

## AGENDA

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**Meeting:** Cabinet  
**Place:** Council Chamber, Council Offices, Monkton Park, Chippenham  
**Date:** Monday 24 May 2010  
**Time:** 10.00 am

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### Membership:

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

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Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic and Members' Services, County Hall, Trowbridge, direct line 01225 718024 or email [yaminarhouati@wiltshire.gov.uk](mailto:yaminarhouati@wiltshire.gov.uk)

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

All public reports referred to on this agenda are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

## Part I

### Items to be considered while the meeting is open to the public

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

1 **Apologies**

2 **Minutes of the previous meeting** (*Pages 1 - 10*)

To confirm and sign the minutes of the Cabinet meeting held on 20 April 2010.

3 **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4 **Leader's Announcements**

5 **Public participation**

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Written notice of questions or statements should be given to Yamina Rhouati of Democratic Services by 12.00 noon on Thursday 20 May 2010. Anyone wishing to ask a question or make a statement should contact the officer named above.

### **'Work together to support Wiltshire's Communities\*\*'**

6  **Gypsy and Traveller Strategy** (*Pages 11 - 60*)

Report of the Corporate Director, Neighbourhood and Planning is circulated

7  **Wiltshire Council Inspection Strategy for Contaminated Land** (*Pages 61 - 144*)

Report of the Corporate Joint Director for Public Health & Wellbeing is circulated.

8 **Council Funding Framework for the Voluntary & Community Sector (VCS)**  
(*Pages 145 - 162*)

Report of the Service Director Communities, Libraries, Heritage & Arts is circulated

### **'Deliver high quality, low cost, customer focused services\*\*'**

9 **Private Sector Housing Renewal Insulation Scheme** (*Pages 163 - 186*)

Report of the Service Director, Housing is circulated

**10 Delegation of Services to Town and Parish Councils (Pages 187 - 204)**

Report of the Service Director, Neighbourhood Services is circulated

**11 Interim Evaluation of Health Fairs and Community Health Profile (Pages 205 - 212)**

Report of the Corporate Joint Director of Public Health and Well-Being and the Corporate Director of Community Services is circulated

**12 Urgent Items**

Any other items of business, which the Chairman agrees to consider as a matter of urgency

**Part II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

\* these headings reflect the key goals of Wiltshire Council to achieve its vision to 'Create stronger and more resilient communities'

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## CABINET

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MINUTES of a MEETING held at COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE on Tuesday, 20 April 2010.

Cllr John Brady	Cabinet Member for Economic Development, Planning and Housing
Cllr Lionel Grundy OBE	Cabinet Member for Children's Services
Cllr Keith Humphries	Cabinet Member for Health and Wellbeing
Cllr John Noeken	Cabinet Member for Resources
Cllr Fleur de Rhe-Philipe	Cabinet Member for Finance, Performance and Risk
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Waste, Property and Environment
Cllr John Thomson	Deputy Leader and Cabinet Member for Community Services
Cllr Dick Tonge	Cabinet Member for Highways and Transport
Cllr Stuart Wheeler	Cabinet Member for Leisure, Sport and Culture

Also in Attendance:

Cllr Jemima Milton	Portfolio Holder for Adult Care
Cllr Jerry Kunkler	Portfolio Holder for Leisure
Cllr Laura Mayes	Portfolio Holder for Organisational Culture
Cllr Chris Cochrane	Portfolio Holder for ICT, Information Management and Business Transformation
Cllr Linda Conley	Portfolio Holder for Waste
Cllr Howard Greenman	Portfolio Holder for Housing
Cllr Richard Gamble	Portfolio Holder for Public Transport
Cllr Jeff Osborn	Chairman – Overview and Scrutiny Organisation and Resources Select Committee
Cllr Bill Moss	Vice-Chairman - Council

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

66. **Apologies**

All Cabinet members were present.

67. **Minutes of the previous meeting**

The minutes of the last meeting held on 23 March 2010 were presented.

**Resolved:**

To approve as a correct record and sign the minutes of the meeting held on 23 March 2010.

68. **Chairman's announcements**

In keeping with the Cabinet's decision to hold meetings around the County, the Leader circulated details of the location of future Cabinet meetings as follows:

24 May - Monkton Park, Chippenham

22 June - County Hall

27 July - Browfort, Devizes

14 September - City Hall, Salisbury

19 October - Browfort, Devizes

16 November - Monkton Park, Chippenham

14 December - County Hall

This was subject to change according to agenda content to ensure significant localised issues could be considered locally wherever possible.

69. **Declarations of Interest**

There were no declarations of interest.

70. **Public participation**

The Leader explained that as usual, she would be happy to allow the public to speak at the start of each item if they wished to do so.

There was no public participation.

71. **Care Quality Commission Inspection of Adult Social Care**

Cllr John Thomson presented a report which informed Cabinet of the results of the Care Quality Commission (CQC) Inspection of Adult Social Care in 2009, details of which were presented.

The Leader welcomed Silu Pascoe, Lead Inspector to the meeting who explained the focus of the inspection, the inspection process, findings, judgements and the follow-up process.

The focus of the inspection was on safeguarding across all adult services and increased choice and control in respect of services and outcomes for older people with mental health needs. The inspection process was detailed and related to national standards developed by the CQC. The inspection concluded that Wiltshire was performing adequately in safeguarding adults, performing adequately in supporting older people with mental health needs to have increased choice and control and that the capacity to improve in Wiltshire was promising.

The report contained 17 recommendations, all of which had been accepted and incorporated into an improvement plan as presented. The CQC would follow-up progress on the Council's implementation of its improvement plan and an update report would be prepared in six months time. It was noted that the Inspection report had been the subject of a one-off scrutiny exercise which Cllr Thomson considered had been very positive.

Cllr Thomson explained that a significant amount of funding for primary care trusts although earmarked to support carers was not ring fenced for this purpose and there was little evidence it was actually being used in this way. Consequently initiatives to support carers were often left to Councils. The Leader commented that the message back to central government on this was that the Council understood the frustration felt by carers and those they supported when they hear that funds have been earmarked to support them, but not passed onto them through the PCT.

Silu Pasco answered Councillors' questions and the Leader thanked her for her presentation.

**Resolved:**

**That the report be received from the Lead Inspector and the improvement plan which is currently being implemented be noted.**

**Reason for Decision**

The Council welcomes the inspection as an independent evaluation of performance of two areas of adult social care services. The council is required to present the findings of the Inspection of Adult Social Care and its improvement plan at a public meeting.

72. **Report on the Corporate Plan 2010-14**

The Corporate Plan was considered by Cabinet at its last meeting on 23 March 2010. Cabinet had requested that the order of the priorities be reviewed to give services to people the highest priority. Cabinet also deferred approving the Plan for onward recommendation to Council in order to consider the outcome of the scrutiny exercise.

The Leader presented an updated Corporate Plan which took account of the comments previously made. The Plan was considered by the Budget and Performance Task Group in October 2009 and more recently, the Overview and Scrutiny Organisation and Resources Select Committee on 25 March 2010. Details of questions raised by the Select Committee together with responses were presented.

Cllr Osborn, Chairman of the Select Committee attended and explained his Committee's views. Overall, the Select Committee welcomed the Plan as the core document to take the Council forward over the next four years. The Select Committee had noted that more detailed information would emerge from departmental delivery plans and the Council's new Business Plan which would be subject to the scrutiny process. The Leader requested that the delivery plans be posted to the intranet for access by Councillors particularly those involved in scrutiny.

**Recommended to Council:**

**That the Corporate Plan 2010-2014 be adopted.**

**Reasons for Recommendation**

All high performing organisations have a Corporate Plan or equivalent to direct and focus their work. An ambitious and effective Corporate Plan will focus and galvanise the organisation's resources to deliver its strategic priorities during the next four years.

**73. Housing PFI Scheme - Appropriation of Land For Planning Purposes**

Cllr Brady presented a report which sought Cabinet's approval to appropriate and dispose of land for planning purposes for the housing PFI scheme. The two areas of land in question were at Broad Street car park, Trowbridge and at Paxcroft Mead, Hilperton as shown on the plans presented.

The appropriation would provide a legal mechanism to allow the Council to use land that had been acquired for one purpose for a different purpose. The purpose for the appropriation would be to minimise risk to the PFI project.

It was anticipated that the various issues being dealt with including this one would be concluded by the end of July 2010.

**Resolved:**

**That Cabinet:**

- a) **appropriates land at Broad Street car park, Trowbridge (as shown on the indicative plan in Appendix 1 of the report presented) for**



**planning purposes under section 122 of the Local Government Act 1972;**

- b) appropriates land at Paxcroft Mead, Hilperton (as shown on the indicative plan in Appendix 2 of the report presented) for planning purposes under section 122 of the Local Government Act 1972;**
- c) agrees to dispose of such land at Broad Street car park, Trowbridge under section 233 of the Town and Country Planning Act 1990, subject to the Secretary of State's consent for disposal at less than best consideration and**
- d) agrees to dispose of such land at Paxcroft Mead, Hilperton under section 233 of the Town and Country Planning Act 1990, subject to the Secretary of State's consent for disposal at less than best consideration.**

#### Reason for Decision

To ensure the risks, in respect of rights and covenants affecting two PFI development sites to be provided by the Council can be resolved.

#### **74. Next Steps in Developing the Wiltshire Core Strategy**

Cllr Brady presented a report which set out the next steps in the preparation of a draft Core Strategy for Wiltshire following consultation undertaken late 2009 on 'Wiltshire 2026 – Planning for Wiltshire's Future'.

The report proposed making the consultation responses available to Area Boards, outside of South Wiltshire. Taking into account the responses concerning Chippenham, including the petition presented at the last Council meeting, approval was sought to undertake a further public consultation exercise on the future development options for Chippenham. Cabinet was also asked to establish a joint working party with Swindon Borough Council to consider issues relating to the west of Swindon.

The Leader welcomed the report. Referring to the forthcoming General Election, she asked Cllr Brady, working with officers to consider the impact of a change in Government based on the manifesto commitments of the political party in Government. She asked that the timetable be reviewed for consideration by Cabinet to take account of any change in direction as a consequence of the election result. Cllr Brady explained that this point had been discussed particularly in relation to the implications on the Regional Spatial Strategy.

## **Resolved:**

### **That Cabinet:**

- a) **note the overall outcome of the Wiltshire 2026 consultation exercise and approves feedback on the consultation responses to each Community Area Board (outside of south Wiltshire) during the forthcoming May/June 2010 cycle of meetings;**
- b) **approve that a further public consultation exercise be undertaken on the future development options for Chippenham;**
- c) **approve the establishment and operation of a joint working party with Swindon Borough Council to consider and advise on issues relating to the west of Swindon and other trans-boundary issues in accordance with details to be agreed between the Service Director for Economy and Enterprise (with membership being agreed in consultation with the Cabinet Member for Economic Development, Planning and Housing) and Swindon Borough Council subject to prior approval by the Head of Legal Services (Wiltshire Council); and**
- d) **authorise the Service Director for Economy and Enterprise, in consultation with the Cabinet Member, to review and update the timetable for the Wiltshire Core Strategy and make this available on the Council's website at the earliest opportunity.**

### **Reason for Decision**

To ensure that progress continues to be made on the preparation of an up to date planning policy framework for Wiltshire in line with the Council's statutory requirements.

## **75. Office Decant Proposals for the Workplace Transformation Programme**

Cabinet had previously approved the Workplace Transformation Programme (WTP) which included the refurbishment of County Hall and Browfort Office buildings to provide modern, fit for purpose office accommodation for Council staff.

The nature of the construction work to be undertaken on both buildings would be extensive and lengthy. For reasons of staff well-being and operational delivery reasons, it would not be desirable to have staff working within the Main Extension County Hall (MECH) during the rebuilding work.

Cllr Noeken therefore presented a report which sought Cabinet approval to provide decant accommodation at the George Ward School, Melksham to be funded from within already approved budgets. If agreed, staff would be

consulted and works would commence as soon as the school became vacant in July. There would be minimal disruption to Cabinet accommodation and Cllr Noeken suggested that for the duration of the building works Cabinet members and Chief Officers would continue to be located at County Hall. It was noted that the works would include minor refurbishment of the Council Chamber.

Cllr Thomson referred to the fact that the refurbishment would create a joint library and customer access point at County Hall. He sought an assurance which was given that sufficient steps would be taken to maximise the existing library as a customer access point during the refurbishment and that customer access at Bradley Road would be enhanced during the refurbishment period.

**Resolved:**

**That Cabinet:**

- a) **approves the proposal to provide decant accommodation at the existing George Ward School, Melksham, and authorise officers to develop these plans further, including the consultation on, and development of appropriate methods to minimise the impact on staff through this period;**
- b) **note that the governance and reporting line for this proposal is within the Workplace Transformation Programme, the Board of which will receive regular reports on progress and issues from the Programme Director and**
- c) **agree that the Cabinet and the Council's Chief Officers to remain at County Hall during this period.**

**Reason for Decision**

To ensure the most effective approach for the required decant of staff from Old County hall, MECH and Browfort which will provide modern fit-for-purpose staff accommodation during and following the works.

**76. Homes 4 Wiltshire Service Review**

Cllr Greenman presented a report which advised Cabinet on the outcome of the Homes 4 Wiltshire Service Review and sought endorsement of the resulting revisions to the Homes 4 Wiltshire Policy, details of which were presented.

The proposed policy changes and recommendations in the Action Plan presented had been drawn up following a review of the service, following consultation with partner landlords, stakeholders, service users and the general public. Cllr Greenman guided Councillors through the key areas of the Action Plan and answered questions.

It was noted that a refusal of an offer of housing would trigger a discussion between officers and applicant to review the housing need to ensure offers were appropriate. In terms of defining 'reasonable' in the context of refusing offers of housing, it was accepted that this was a matter for officers' professional judgement having regard to prevailing circumstances.

Cllr Mayes requested a breakdown of the demographic of people housed under the Homes 4 Wiltshire scheme.

**Resolved:**

**That Cabinet:**

- a) **approve the amended Homes 4 Wiltshire policy and agrees the implementation of the Action Plan and**
- b) **give delegated authority to the Corporate Director, Neighbourhood and Planning in consultation with the Cabinet member for Economic Development, Planning and Housing to make further amendments to Sections 6.7 and 6.8 of the Homes 4 Wiltshire policy if the Homes 4 Wiltshire Partnership decides that landlords should carry out the shortlisting function.**

**Reason for Decision**

To enable amendments to the Homes 4 Wiltshire Policy, following an extensive consultation, which will enable Homes 4 Wiltshire to provide a better and more efficient service to customers and partners alike.

**77. Budget Monitoring**

**(a) Revenue Budget**

Cllr Fleur de Rhe-Philippe presented a report which advised Cabinet on the latest position regarding the revenue budget for the period April 2009 to February 2010.

The forecast for the Council's overall position was within budget. As previously reported, departments had taken action to offset significant cost pressures during the financial year. It was noted that the total cost pressures absorbed during the financial year amounted to £9.08m which was in addition to efficiency measures amounting to over £10m, already factored into the budget.

**Resolved:**

**That the report be noted.**

Reason for Decision

To ensure Cabinet's awareness of the Council's budgetary pressures.

(b) **Capital Budget**

Cllr de Rhe-Philippe presented a report which reflected the position of the Capital budget for the period April 2009 to February 2010.

There was a projected variation of £3.296m against the full year budget for 2009/10. The report detailed adjustments to the budget and provided a summary of the current position.

**Resolved:**

**That Cabinet:**

- i) **note the current financial position of the 2009/10 Capital Budget and**
- ii) **note the budget changes in sections 1 and 2 of Appendix B to the report presented.**

Reason for Decision

To inform Cabinet of the current financial position of the 2009/10 capital budget and to identify schemes within the programme where expenditure is not progressing as anticipated.

78. **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am – 12.10pm)

These decisions were published on the 23 April 2010 and will come into force on 3 May 2010.
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The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024 or e-mail [yaminarhouati@wiltshire.gov.uk](mailto:yaminarhouati@wiltshire.gov.uk)  
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Wiltshire Council

Cabinet

24 May 2010

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**Subject:** Gypsy and Traveller Strategy

**Cabinet Member:** Councillor Toby Sturgis – Waste, Property and Environment

**Key Decision:** Yes

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### **Executive Summary**

The new Wiltshire Council brings together a wide range of services and responsibilities that engage with Gypsies and Travellers. Wiltshire Council now needs to take the opportunity to interlock these services, develop a strategy and put in place an action plan to provide an improving, integrated and supportive approach to engaging with Gypsy and Traveller communities.

A project group was formed in September 2009 of strategic and frontline officers from across the organisation, with representatives from Wiltshire Fire and Rescue Service, Wiltshire Police and Wiltshire PCT.

The project group defined the strategy aims and objectives for next 5 years, and an action plan for the next 12 months in order to achieve strategy aims and objectives.

*The overall aim of Gypsy and Traveller Strategy is that by 2015, service provision and engagement with Gypsy and Traveller communities will be **strengthened, coordinated and in line with our aims to create strong and resilient communities**, with the needs of those communities balanced against the needs of the settled population.*

The Environment Select Committee has been overseeing the progress of the project, and a representative from the group has been working with the project group. At the Environment Select Committee meeting on the 2<sup>nd</sup> of March 2010, the Committee recommended that Cabinet accept and adopt the new approach outlined in the strategy, and commit to its implementation.

The purpose of this report is to ensure Cabinet awareness of the Gypsy and Traveller strategy, and to gain Cabinet approval of and commitment to a change of approach for service delivery and engagement with Gypsy and Traveller communities.

### **Proposal**

The Gypsy and Traveller strategy project group propose that Cabinet;

1. Note the Gypsy and Traveller Strategy and action plan
2. Approve and commit to the aims and objectives of the strategy

3. Approve delegated authority to the Service Director for Housing to oversee the next steps and potential staffing implications of the project, in consultation with the Cabinet Member responsible for Gypsies and Travellers, and in consultation with Human Resources.

**Reason for Proposal**

Service delivery and engagement with Gypsy and Traveller communities is spread across the organisation, and changes are now needed to interlock these services, develop a strategy and put in place an action plan to provide an improving, integrated and supportive approach to engaging with Gypsy and Traveller communities.

This strategy provides a framework to change the approach to service delivery and engagement with Gypsy and Traveller communities in order to achieve the aims of the strategy.

Members play a key part in the service delivery and engagement with Gypsy and Traveller communities, so Cabinet commitment to a change of approach is needed to ensure the success of the strategy.

**Mark Boden, Interim Chair of the Gypsy and Traveller strategy project group, Corporate Director, Department of Neighbourhood and Planning**

**Mayur Bhatt, Project Advisor for the Gypsy and Traveller strategy, Equality Manager**



## Wiltshire Council

### Cabinet

24 May 2010

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**Subject:** Gypsy and Traveller Strategy

**Cabinet Member:** Councillor Toby Sturgis – Waste, Property and Environment

**Key Decision:** Yes

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### **Purpose of Report**

1. The purpose of this report is to ensure Cabinet awareness of the Gypsy and Traveller Strategy, and to gain Cabinet approval of and commitment to a change of approach for service delivery and engagement with Gypsy and Traveller communities.

### **Background**

#### **2. The need for a Gypsy and Traveller strategy**

- 2.1. Wiltshire Council brings together a wide range of services and responsibilities that engage with Gypsies and Travellers. In September 2009 the Corporate Director for EDPH commissioned a project to look at this issue in order that these services can be interlocked, and an action plan can be put in place to provide an improving, integrated and supportive approach to engaging with Gypsy and Traveller communities.
- 2.2. A project group was formed in September 2009 of strategic and frontline officers from across the organisations, with representatives from Wiltshire Fire and Rescue Service, Wiltshire Police and Wiltshire PCT.
- 2.3. The Environment Select Committee has been overseeing the progress of the project, and a member of the Committee has been working with the strategy project group. At their meeting on the 2<sup>nd</sup> of March, the Environment Select Committee recommended the acceptance and adoption of the approach and commitment to the strategy to Cabinet.
- 2.4. During 2010 consultations will be held about the Gypsy and Traveller Site Allocations Development Planning Document (DPD) that will set out potential land for use as Gypsy and Traveller sites. This is a key piece of work that will be coordinated with the implementation of the strategy over the coming months.

## **Next steps**

- 2.5. The delivery of coordinated and needs focused services and the engagement with Gypsy and Traveller communities will require internal commitment and dedication to a change of approach to the method, quality and style in which we plan and deliver services. This change of approach will also need a drive towards creating a refreshed mindset and culture within the council overall, so that we promote inclusion of Gypsy and Traveller communities in line with our overall aims to create strong and resilient communities
- 2.6. Public sector service providers, including Wiltshire Council, need Gypsy and Traveller communities, and settled communities, all have rights and responsibilities to each other. This strategy is the starting point for the Council to provide low cost, customer focused services that support the creation of resilient communities, whilst balancing the needs of both Gypsy and Traveller, and settled communities.
- 2.7. In order to effectively support and achieve the aims of the strategy, commitment and buy in to a change of a approach is needed from across the public sector. Without this, real change that impacts on the lives of Gypsy and Traveller communities can never hope to be achieved.
- 2.8. Member commitment to a new approach to service delivery and engagement is an essential component of a change in approach to Gypsy and Traveller communities.
- 2.9. Partner organisations and thematic delivery partnerships will be asked to consider the strategy in June, following Cabinet consideration of this paper and the strategy.

## **Introduction of the strategy**

- 2.10. There are two phases in order to achieve the aims outlined below in the strategy. This 2010 strategy sets out the current situation in service delivery for Gypsy and Traveller communities, and a plan of actions to begin achieving the strategy aims, to gather information and to work with both Gypsy and Traveller, and settled, communities to understand what they want and need from public sector services.
- 2.11. Frontline officers, as well as voluntary and community sector partners and other stakeholders will be involved in this process to ensure that by April 2011, a clear picture can be built up of the wants and needs of Gypsy and Traveller communities, and that any gaps in our knowledge have been filled.
- 2.12. Voluntary and community sector partners and other stakeholders will be involved in this process to ensure that by April 2011, a clear picture had been built up of the wants and needs of Gypsy and Traveller communities, and that any gaps in our knowledge have been filled.

- 2.13. Phase two of the strategy will use the data that is collected on how services are now, and how communities want them to be in the future, to inform the implementation of the long term aims of the strategy.
- 2.14. A new revision of the Gypsy and Traveller Strategy will then be produced on an annual basis to build on the new knowledge gained over the year. More targeted services can then be provided, whilst working towards the aim of creating strong and resilient communities, with the needs of Gypsy and Traveller communities being balanced against the needs of settled communities.
- 2.15. During autumn 2010, consultation will be undertaken to inform the Gypsy and Traveller Site Allocations DPD. This will seek comments on potential site options and a draft policy for assessing potential sites that may come forward. The rolling programme for strategy consultation enables all comments and feedback gained during the autumn to be fed in to the next version of the strategy.
- 2.16. In April 2011 a new version of the Gypsy and Traveller Strategy will be produced, building on the consultation feedback and new knowledge and information that have been gained.

## **Main Considerations for the Council**

### **Key issues in Wiltshire – why a strategy is needed**

This section sets out the key issues for current service delivery and engagement with Gypsy and Traveller communities in Wiltshire.

#### **3. Disparity in Wiltshire Council's approach and service delivery**

- 3.1. A broad range of departments and service areas interact with and provide services for Gypsy and Traveller communities. Although most of the services attempt to engage with each other, this does not form effective, coherent and informed services to Gypsies and Travellers. Individual departments largely operate independently of each other.
- 3.2. Different service areas interact with different areas of the Gypsy and Traveller community, some with a process focused approach, some with a welfare focused approach, and some with a mixture of the two. The breadth of the scope and diversity of the interaction is highlighted in broad terms by the project group list in appendix 2, which shows the number of departments who are involved in different areas of service provision without clear, strategic coordination.
- 3.3. Without clear ownership of the issue and an overarching strategy for service delivery and interaction with Gypsy and Traveller communities, a polarity of messages is presented, which often leads to conflicting responses by our services (i.e. welfare conflicting with process and vice versa). It also causes lack of trust and confidence in authority, leading to

tensions between the Gypsy and Traveller communities and the council itself. Such problems need to be addressed both within Wiltshire Council and the public sector in the county.

#### **4. Cost**

- 4.1. The cost of unauthorised encampments nationally is £18million, but there is very limited data on the costs at a regional or a local level.
- 4.2. The costs of applying processes relating to unauthorised encampments include legal costs and enforcement action, for example. The legal duty to enforce unauthorised encampments needs to be balanced against the longer term costs relating to the welfare of Gypsy and Traveller communities, for example the wider costs of limited health care and unmet educational needs.

#### **5. Draft Regional Spatial Strategy site requirements**

- 5.1. The Gypsy and Traveller DPD aims to identify new sites to meet the site requirements in the Draft Regional Spatial Strategy (RSS). The Draft RSS pitch allocation for 2006-2011 is unlikely to be delivered by 2011. As stated in paragraph 2.15, work is underway through the preparation of this document to define criteria to consider Gypsy and Traveller site applications.
- 5.2. As the Draft RSS only sets requirements to 2011, it is likely that a review of the Gypsy and Traveller Accommodation Assessment will be required to identify any further need for pitches beyond 2011.
- 5.3. The DPD work is an essential part of the Gypsy and Traveller strategy project as it will have important implications for the provision of accommodation for Gypsy and Traveller communities. The consultations as part of this work will play a key part in gathering evidence to feed in to the next version of the Gypsy and Traveller Strategy.

#### **6. Poor quality of existing Local Authority managed sites**

- 6.1. A site conditions survey in 2008 identified that Local Authority managed sites are in a poor state of repair. No capital budget has been identified to undertake larger scale refurbishment or rebuilding of these sites.

#### **7. Knowledge and data**

- 7.1. Public services across Wiltshire currently have limited knowledge on all areas of the Gypsy and Traveller communities in Wiltshire.
- 7.2. This ranges from a lack of understanding of travelling routes through the county, to limited consideration of the needs of a family as a whole rather than as separate service areas. The need to have such information is important for two reasons. Firstly as a council our priority around building

resilient communities means that we need to know who are communities are and what they need, including the Gypsy and Traveller communities; Secondly, the Gypsy and Traveller Accommodation Assessment will also need renewing soon, and such information will provide a more informed approach to an effective assessment.

## **8. Communication and engagement**

- 8.1. Current service provision for Gypsy and Traveller communities is very much structured around the functioning of internal council departments, with very limited evidence of efforts to engage the Gypsy and Traveller communities (to identify what their needs and quality of life experiences are) from Wiltshire Council and public services as a whole. It is essential that communication, information, support and involvement can be better offered and available from the Council if there was a joined up and coordinated service response.
- 8.2. It is envisaged that considerable awareness raising and education is required at all levels within Wiltshire's communities to help break down the prejudices that still exist in relation to Gypsy and Traveller communities. In some areas, a cultural mindset is held in relation to Gypsies and Travellers which is not conducive to empowering or building resilience in these communities. The creation of a coordinated strategy and service delivery ethos will maximise the opportunity to change mindsets for the benefit of not only the council, but also the wider communities.
- 8.3. Effective communication and engagement with Gypsy and Traveller communities will enable Wiltshire Council to become more innovative in delivery of services that the communities need and want, to contribute towards the empowerment and resilience of those communities. Communication and engagement is also needed with settled communities in order to understand their needs and wants from services, and to be able to balance the needs of both communities.

## **9. Inspection concerns**

- 9.1. Wiltshire Joint Strategic Needs Assessment 2009  
As part of the 2009 Joint Strategic Needs Assessment (JSNA), engagement work was undertaken with Gypsy and Traveller communities in Wiltshire to assess their current and future health and wellbeing needs. In addition to the health and wellbeing issues as highlighted in the strategy, the report identified that there is need for an outreach approach towards improving health and well being within Gypsy and Traveller communities. The JSNA also identifies that work needs to be commissioned to find out in greater detail the health and social care needs to Gypsy and Traveller communities in Wiltshire.
- 9.2. Comprehensive Area Assessment, 2009  
The Organisational Assessment for Wiltshire Council as part of the Comprehensive Area Assessment 2009 (CAA) noted that more needs to be done to tackle inequality in Wiltshire. The report also noted that the

Council and other public services have a good understanding of where inequality occurs and are working together to meet the needs of people such as Gypsies and Travellers, who do not find it as easy to get the services they need.

- 9.3. However, the CAA report also highlighted some of the concerns raised in the JSNA around Gypsies and Travellers finding it difficult to access services and that organisations do not routinely make information available in pictorial form, although many Gypsies and Travellers do not read or write.
- 9.4. The CAA also noted that some attitude problems towards Gypsies and Travellers persist that will need to be overcome if they are to receive equal access to services.

## **10. Wiltshire Council Gypsy and Traveller Strategy Definition**

- 10.1. As a Local Authority Wiltshire Council provides services to all people regardless of their lifestyle.
- 10.2. For the purposes of the strategy document, the definition of Gypsies and Travellers will incorporate the planning definition of Gypsies and Travellers as in 01/2006, as well as the planning definition of Travelling Show People as in 04/2007. The definition of Gypsies and Travellers, for the purpose of this document is;
- 10.3. "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently;

As well as Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently".

- 10.4. The strategy therefore includes Romany Gypsies and Irish Travellers, as well as Travelling Showpeople, New Travellers, Bargee Travellers, and any other groups with a nomadic lifestyle, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently.

## **11. Strategy aims and objectives**

- 11.1. The overall aim of the Gypsy and Traveller strategy is that by 2015, service provision and engagement with Gypsy and Traveller communities will *be strengthened, coordinated and in line with our aims to create strong and resilient communities*, with the needs of those communities balanced against the needs of the settled population.

The strategy aims are;

- That service provision and engagement is co-ordinated throughout the council and involves consultation with Gypsy and Traveller communities.
- The improvement of services and facilities are aimed to empower Gypsy and Traveller communities, through joint working, participation and involvement.
- The needs of Gypsy and Traveller communities and settled communities are recognised and addressed in partnership, in line with our aims to create strong and resilient communities.

By 2015 the strategy hopes to achieve;

#### **11.2. Accommodation**

- Clear pathways to providing appropriate sites for Gypsies and Travellers, with standards of accommodation on local authority sites being equitable to that of the settled population

#### **11.3. Knowledge and information**

- Better utilisation of data, information and knowledge to help in analysing the needs of Gypsy and Traveller communities and inform the delivery of and access to services
- Better use being made of existing resources and identification of new resources

#### **11.4. Community engagement and involvement**

- Regular engagement with Gypsy and Traveller communities, and also local settled communities, in order to enable needs to be identified and more targeted services provided in order to more effectively meet those needs.
- Partnership working with Gypsy and Traveller communities wherever possible, to try to increase the resilience and empowerment of these communities.

#### **11.5. Health, education and safer communities**

- To understand the needs of Gypsy and Traveller communities for health, education and safer communities, particularly the identification of existing

inequalities and disadvantage, which has disproportional and adverse impacts on the quality of life for this community.

- Better planning and appropriate targeting of services to enable all partners to effectively meet the needs of Gypsy and Traveller communities in relation to health, education and safer communities.
- We can encourage greater service take up by ensuring are accessible for Gypsy and Traveller communities.

## **Key actions needed to achieve aims of strategy**

### **12. Communication, education and training**

12.1. The issue the project group felt was central to achieving the successful implementation of fair and equitable services for Gypsy and Traveller communities in 5 years time, is a joined up approach to service delivery internally and communication with stakeholders, the settled community, Gypsy and Traveller communities, officers, Councillors and frontline service workers.

12.2. It is clear that a joined up approach to service planning and provision needs to be established across the organisation, which needs to ensure a coordinated and cost effective delivery of services overall. A joined up approach to service planning and delivery will mean that council officers and staff will

- have greater awareness of how their specific service delivery links in with other services areas / provision
- be able to share resources affectively
- share expertise and experience of working with Gypsy and Traveller communities – including exchanging information and knowledge
- increase capacity without additional staffing costs to deliver services
- be able to be cost affective in service planning and delivery

12.3 There is also a need to look at how services provided by our external partners fit with our service provision – this includes NHS Wiltshire, Wiltshire Police, Fire & Rescue Service and services provided by the wider Voluntary and Community Sector.

12.4 There is a need to review communication materials that are provided by the public sector, for example ensuring that planning guidance information is accessible and appropriate for communities who may have low literacy levels.



- 12.5 Successful communication of the strategy and its purpose is also a key part of this process. Without understanding the context of and need for the strategy, it can never be completely effectively implemented.
- 12.6 A central action in beginning the process of communication, education and training is a Councillor training session run by the Improvement and Development Agency on the 23<sup>rd</sup> of March.
- 12.7 This training session will provide support and advice to Members and senior officers on the issues faced by both the Gypsy and Traveller communities and the settled communities with the aim of enabling delegates to appreciate the local authority role in the provision of decent homes for all and the importance of this for the health and well-being of communities.
- 12.8 Further briefing and training events are likely to be able to be undertaken. The production of training and education packs, and of officer time required to deliver sessions will look to be achieved within existing resources.

### **13. Rebuilding of Local Authority managed sites**

- 13.1. As the 2008 site conditions survey identified, local authority managed sites are in a poor state of repair. In order to achieve the aim of 'provision of appropriate accommodation for Gypsies and Travellers, with equal standards to that of the settled population', sites must be rebuilt over the medium term. The current refurbishment programme is not a long term option and is not delivering low cost or customer focused services.

### **14. Alignment of site management with housing**

- 14.1. In order to ensure that the accommodation provision on local authority Gypsy and Traveller sites is of equal standard to that provided to settled communities, the project group proposes that Gypsy and Traveller site provision and management be moved from the highways department, to the housing department.
- 14.2. The allocation of pitches, site management, and the delivery of new pitches would move to housing, separating these functions from the enforcement of unauthorised encampments.

### **15. Community engagement**

- 15.1. As discussed above, a current issue for Gypsy and Traveller service delivery in Wiltshire is that there is no real knowledge on the wants and needs of Gypsy and Traveller communities, so effectively targeted services cannot be provided.
- 15.2. Gypsy and Traveller communities will be extensively consulted on the 5 year strategy aims as from June 2010, a 6 month customer engagement programme will begin. During this time, frontline officers will work with

Gypsy and Traveller communities to understand what they want and need from our services. Voluntary and community sector partners and other stakeholders will be involved in this process to ensure that by April 2011, a clear picture had been built up of the wants and needs of Gypsy and Traveller communities, and that any gaps in our knowledge have been filled.

- 15.3. A new revision of the Gypsy and Traveller Strategy will then be produced on an annual basis to build on the new knowledge gained over the year. More targeted services can then be provided, whilst working towards the aim of creating strong and resilient communities, with the needs of Gypsy and Traveller communities being balanced against the needs of settled communities.

## **16. Future strategy ownership and management**

- 16.1. In order to ensure actions are properly coordinated and are achieved, officers from across the public sector will need to continue to work together. The Gypsy and Traveller Strategy will need to be owned and managed to ensure that a change of approach is maintained across the organisation.
- 16.2. It has become clear during the project that the multi-agency group needs to continue to meet in order to ensure the strategy is implemented, and that the actions are achieved.
- 16.3. initial workload will exist to ensure that the projects in the action plan are properly coordinated. Some actions need to be delivered by thematic delivery partnerships, and if this work is not coordinated and led, only limited improvement in service delivery and engagement can ever be secured.
- 16.4. This coordinating role for the Gypsy and Traveller Strategy is not a full time role, and work will decrease over the short to medium term. This responsibility will be taken on by the Corporate Equality and Diversity team, within existing budgets.

## **Environmental Impact of the Proposal**

17. It is envisaged that the strategy will have a positive effect upon environmental issues relating to Gypsy and Traveller communities occupying unauthorised sites. For example, waste and pollution, disturbing wildlife etc, will look to be minimised through a coordinated response to Gypsy and Traveller community needs.
  - 17.1. A wider environmental impact is on the perceptions of local communities – the potential risk of not adopting and actively promoting the Gypsy and Traveller Strategy may mean adverse PR and potential damage to the reputation of the Council, with possible accusations of perpetuating

inequalities and disadvantages exercised by Gypsy and Traveller communities.

- 17.2. Media and community relations will need to be managed effectively and with a view that our approach towards coordinated and consistent service delivery to Gypsy and Traveller communities is in line with the council's commitment to provide fair and equitable services to all, and not as preferential treatment to a particular group.

### **Equalities Impact of the Proposal**

18. Our organisational goals are based on creating strong and resilient communities, and focus on lives and not services. Current service delivery and engagement with Gypsy and Traveller communities is not coordinated nor consistent, leading to the possibility of unfairness and discriminatory service provision.
  - 18.1. The development and delivery of a robust and coordinated Gypsy and Traveller Strategy will enable the inclusion of this disadvantaged group, and our overall work in creating strong and resilient communities to be strengthened.
  - 18.2. The adoption of and commitment to a Gypsy and Traveller Strategy will provide evidence towards the CAA and other assessments, including Wiltshire Assembly's priority to tackle inequalities and disadvantage
  - 18.3. Overall, the development of a robust and coordinated strategy will have a positive impact on the promotion of equality in Wiltshire.

### **Risk Assessment**

19. Without a comprehensive strategy which is focused on promoting engagement, we will not achieve our legal duties under the Race Relations legislation to promote good community relations. This risk has the biggest implication on the community relations between Gypsy and Traveller communities, and nearby settled communities
  - 19.1. During the Gypsy and Traveller DPD consultations, both settled and Gypsy and Traveller communities are going to need support in order to better understand each other, in order to tackle prejudice and discrimination. There is also a duty for the Council to ensure that adequate numbers of sites are provided across Wiltshire. The strategy aims to work alongside this duty to promote wider actions to ensure that any new sites are as successful as possible for both settled and Gypsy and Traveller communities.
  - 19.2. The actions in the plan have been risk assessed and mitigating actions have been identified to lessen the impact of risks. Actions with a high potential risk to their achievement are only being taken forward if there is also a high potential risk if that action is not taken.

## **Council reputation**

- 19.3. The CAA highlighted that the public sector is not doing enough to tackle the inequality and potential discrimination faced by Gypsy and Traveller communities. Wiltshire Council has engaged consultants to produce a Gypsy and Traveller DPD as a priority document that the council will prepare as part of Wiltshire's Local Development Framework. The purpose of the DPD is to ensure that the identified needs of Gypsies and Travellers are met through the allocation of suitable and sustainable sites. Without the wider strategy development to ensure that service delivery and engagement is coordinated and consistent, we will not be meeting our aims to create strong and resilient communities effectively.
- 19.4. Without proactive measures to gather more evidence about the issues raised in the CAA and JSNA, and to put in place a strategic framework to improve service delivery and engagement, future inspection reports cannot hope to improve in relation to Gypsy and Traveller communities.
- 19.5. To ensure the strategy and action plan are aligned with wider corporate aims and objectives, appendix 3 contains a list of LAA or LAW targets, and partnership objectives which the strategy will impact upon. A key risk is that if action is not taken alongside the DPD work to support both settled and Gypsy and Travellers communities, the consultations and future site delivery may have an adverse impact on NI 001, the percentage of people who believe people from different backgrounds get on well together in their local area.

## **Financial Implications**

20. Capital financing of refurbishment/rebuilding of sites
  - 20.1. The poor state of repair of local authority managed sites requires that the future rebuilding and refurbishment of sites be built in to the capital financing programme.
  - 20.2. The amount of this cost is unknown at present, but will be built in to the capital building programme for a rolling programme of rebuilding sites over the coming years.
  - 20.3. By having a clear strategic framework for developing service delivery and engagement with Gypsy and Traveller communities will clearly set our priorities in relation to this community. This can then be built in to the Local Investment Plan for Wiltshire, and the rebuilding or refurbishment of existing sites, or building of or of any new Gypsy and Traveller sites can be a consideration for future spending priorities.

## **Staffing implications**

- 21.** There are staffing implications of the actions to align site management with housing, and with the future management and ownership of the strategy.
  - 21.1. It is anticipated that existing roles will need to be redefined in order to allow for the change. This will involve redesigning job roles and applying the Council's appointment process to restructure the way in which this service is delivered. The site management policies and procedures will be then be reviewed to ensure greater alignment with housing. The key objective of the restructure will not be to reduce the levels of staff, but to redeploy them effectively in the job roles that best support organisational design. The next step is for the staffing implications to be considered in more detail.
  - 21.2. Should the recommendations of this report be adopted, affected staff will be consulted in accordance with due policy and process.
  - 21.3. It is proposed that the management of potential staffing implications and consultation with staff members on the changes is delegated to the Corporate Director for Neighbourhood and Planning, in consultation with the Cabinet Member responsible for Gypsies and Travellers, and in consultation with Human Resources.

## **Legal Implications**

### **Unauthorised encampments**

- 22.** The council has a legal obligation to enforce laws relating to trespass on highways in the county. When Gypsies and Travellers are moved on from unauthorised encampments, they often have no other legitimate place to move on to if they are not able or willing to use the transit site in the south of the county.
  - 22.1. The Gypsy and Traveller strategy proposes that the council continue with a firm but fair approach to unauthorised encampments, but that this is supported by more effective, coordinated responses to unauthorised encampments.
  - 22.2. As well as taking a more balanced approach to short term issues, the strategy also proposes that work also takes place to gather data and evidence on the need for a transit site in the north of the county and emergency stopping places across Wiltshire.
  - 22.3. The overall aim will be the planning of and provision of appropriate sites across the county, to make it easier to support people to stop in a safe place that is appropriate to their needs, and to also the needs of the settled communities.

- 22.4. There are legal implications in the planned restructuring and therefore during restructuring the legal department will be consulted to ensure that there is compliance with Wiltshire Council's legal obligations as an employer.
- 22.5. There are also significant legal implications with the development of site management. Wiltshire Council has statutory legal responsibilities relating the Human Rights, the Race Relations and Disability Discrimination legislation. Furthermore there is legislation which has been passed but which has not as yet come into operation relating to site licences (Housing and Regeneration Act) which needs to be considered in respect of any changes to site management in which Wiltshire Council needs to ensure compliance.
- 22.6. In respect of any amendments to the site management legal advice will be sought.

### **Unauthorised developments**

- 22.7. The Council also has a legal duty to enforce planning policies when members of any community begin unauthorised developments. The Gypsy and Traveller strategy aims to make clear to Gypsy and Traveller communities that unauthorised developments are not acceptable from any member of the community, and to support those communities with low literacy issues to access paper based planning systems.
- 22.8. The strategy aims to support This Wiltshire Council to be able to maintain a firm but fair approach to unauthorised encampments and developments, whilst putting in place a strategic framework to strengthen the assessment of provision of sites across the county.

### **Options Considered**

23. Not tackling the issues around Gypsy and Traveller service provision and engagement is not perceived to be an option.
- 23.1. By not taking a more consistent, coordinated approach to meeting the needs of Gypsy and Traveller communities, and balancing the needs of these communities with the needs of and settled communities, the strength, resilience and sustainability of those local communities will be weakened, and possible perceptions of unfairness and discrimination will be increased. Low cost and customer focused services are also currently not being delivered. .

### **Conclusions**

24. Taking above in to account, the Gypsy and Traveller strategy project group propose that Cabinet;

The Gypsy and Traveller strategy project group propose that Cabinet;

- Note the Gypsy and Traveller Strategy and action plan
- Approve and commit to the aims and objectives of the strategy
- Approve delegated authority to the Service Director for Housing to oversee the next steps and potential staffing implications of the project, in consultation with the Cabinet Member responsible for Gypsies and Travellers, and in consultation with Human Resources

**Mark Boden**  
**Corporate Director, Neighbourhood and Planning**

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### **Background Papers**

The following documents have been relied on in the preparation of this report:

12<sup>th</sup> of January 2010 Environment Select Committee paper

<http://cms.wiltshire.gov.uk/CeListDocuments.aspx?Committeed=154&MeetingId=1388&DF=12/01/2010&Ver=2>

2nd of March 2010 Environment Select Committee paper

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=154&MId=677&Ver=4>

23<sup>rd</sup> of February 2010 Cabinet paper on the Gypsy and Traveller Development Planning Document

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=141&MId=250&Ver=4>

### **Appendices**

Appendix 1 – Wiltshire’s Gypsy and Traveller Strategy 2010

Appendix 2 – Gypsy and Traveller strategy project group, highlighting range of Council departments that interact with Gypsy and Traveller communities

Appendix 3 - LAA/LAW targets that the strategy impacts upon

# **Wiltshire Gypsy and Traveller Strategy**

**2010**

DRAFT



## Introduction

The new Wiltshire Council brings together a wide range of services and responsibilities that engage with Gypsy and Traveller communities. Wiltshire Council now needs to take the opportunity to interlock these services, develop a strategy and put in place an action plan to provide an improving, integrated and supportive approach to engaging with Gypsy and Traveller communities.

A group was formed to assess the current situation for Gypsy and Traveller communities in Wiltshire, including looking at what services are like at the moment, and what information is currently known about the needs and wants of the communities. A current issue for is that there is no real knowledge on the wants and needs of Gypsy and Traveller communities, so services that are effectively targeted cannot be provided.

The overall aim of Gypsy and Traveller Strategy is that by 2015, service provision and engagement with Gypsy and Traveller communities will ***be strengthened, coordinated and in line with our aims to create strong and resilient communities***. The needs of Gypsy and Traveller communities will be balanced against the needs of the settled population.

There are two phases of the strategy in order to achieve this aim. This document sets out the current situation in service delivery for Gypsy and Traveller communities, and a plan of actions to begin achieving the strategic aims. As part of this first phase of the strategy, frontline officers will work with Gypsy and Traveller communities to understand what they want and need from our services. Voluntary and community sector partners and other stakeholders will be involved in this process to ensure that by April 2011, a clear picture had been built up of the wants and needs of Gypsy and Traveller communities, and that any gaps in our knowledge have been filled.

An annual revision of the Gypsy and Traveller Strategy will take place, the first in May 2011. This will be based on knowledge gained during the preceding year. The annual review will allow more targeted services to be provided, where appropriate, whilst continuing to work towards the overall aim of the strategy.

## What else is happening?

During 2010, consultations will be held about the Gypsy and Traveller Site Allocations Development Planning Document (DPD) that will set out potential land for use as Gypsy and Traveller sites. As part of the DPD, work is underway to define criteria to consider Gypsy and Traveller site applications. In 2010 a consultation will be undertaken on identifying specific site options.

The DPD work is an essential part of the Gypsy and Traveller strategy project as it will have important implications for the provision of accommodation for Gypsy and Traveller communities. The consultations as part of this work will

play a key part in gathering evidence to feed in to the next version of the Gypsy and Traveller Strategy.

### **Who are Gypsies and Travellers?**

There are several definitions of 'Gypsies and Travellers' used in different legal and policy documents.

According to the Race Relations Act 1976, the Race Relations Amendment Act 2000, and the Human Rights Act 1998, Romany Gypsies and Irish Travellers are recognised as having ethnic status.

The planning guidance in Planning Circular 01/2006 defines Gypsies and Travellers for planning purposes as a wider group than just those who belong to the ethnic groups. The planning definition of Travelling Show People is in Planning Circular 04/2007. The Housing Act 2004 also defines Gypsies and Travellers as being a wider group than those who belong to the ethnically recognised groups.

For the purposes of this document, the definition of Gypsies and Travellers will incorporate the planning definition of Gypsies and Travellers as in 01/2006, as well as the planning definition of Travelling Show People as in 04/2007. The definition of Gypsies and Travellers, for the purpose of this document is;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently; (Planning Circular 01/2006)

As well as Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently". (Planning Circular 04/2007)

The strategy therefore includes Romany Gypsies and Irish Travellers, as well as Travelling Showpeople, New Travellers, Bargee Travellers, and any other groups with a nomadic lifestyle, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently.

### **Why do we need a Gypsy and Traveller strategy?**

Wiltshire Council provides services to all people, regardless of their lifestyle, and at the moment, Gypsy and Traveller communities do not have equal outcomes and life chances with settled communities.

The first step to tackling the causes of this inequality is to find out what Gypsy and Traveller communities and settled communities want, so that targeted

support can be provided. Services across the public sector then need to work together to empower and support both Gypsy and Traveller and settled communities to live together and form resilient communities.

Public sector service providers, including Wiltshire Council, need Gypsy and Traveller communities, and settled communities, to understand that all have rights and responsibilities to each other. This strategy is the starting point for the Council to provide low cost, customer focused services that support the creation of resilient communities, whilst balancing the needs of both Gypsy and Traveller, and settled communities.

### **Wiltshire Council Gypsy and Traveller strategy**

The overall aim of the Gypsy and Traveller strategy is that by 2015, service provision and engagement with Gypsy and Traveller communities will *be strengthened, coordinated and in line with our aims to create strong and resilient communities*, with the needs of those communities balanced against the needs of the settled population.

The strategy aims are;

That service provision and engagement is co-ordinated throughout the council and involves consultation with Gypsy and Traveller communities.

The improvement of services and facilities are aimed to empower Gypsy and Traveller communities, through joint working, participation and involvement.

The needs of Gypsy and Traveller communities and settled communities are recognised and addressed in partnership, in line with our aims to create strong and resilient communities.

By 2015 the strategy hopes to achieve;

#### **Accommodation**

- Clear pathways to providing appropriate sites for Gypsies and Travellers, with standards of accommodation on local authority sites being equitable to that of the settled population

#### **Knowledge and information**

- Better utilisation of data, information and knowledge to help in analysing the needs of Gypsy and Traveller communities and inform the delivery of and access to services
- Better use being made of existing resources and identification of new resources.

## **Community engagement and involvement**

- Regular engagement with Gypsy and Traveller communities, and also local settled communities, in order to enable needs to be identified and more targeted services provided in order to more effectively meet those needs.
- Partnership working with Gypsy and Traveller communities wherever possible, to try to increase the resilience and empowerment of these communities.

## **Health, education and safer communities**

- To understand the needs of Gypsy and Traveller communities for health, education and safer communities, particularly the identification of existing inequalities and disadvantage, which has disproportional and adverse impacts on the quality of life for this community.
- Better planning and appropriate targeting of services to enable all partners to effectively meet the needs of Gypsy and Traveller communities in relation to health, education and safer communities.
- We can encourage greater service take up by ensuring are accessible for Gypsy and Traveller communities.

## **Action plan**

There are two phases of the strategy in order to achieve the aims outlined above. This document sets out the initial actions to gather information and to work with both Gypsy and Traveller, and settled, communities to understand what they want and need from public sector services. Frontline officers, as well as voluntary and community sector partners and other stakeholders will be involved in this process to ensure that by April 2011, a clear picture can be built up of the wants and needs of Gypsy and Traveller communities, and that any gaps in our knowledge have been filled.

Phase two of the strategy will use the data that is collected on how services are now, and how communities want them to be in the future, to inform the implementation of the long term aims of the strategy.

## **Next steps**

An annual revision of the Gypsy and Traveller Strategy will take place, the first in May 2011. This will be based on knowledge gained during the preceding year. The annual review will allow more targeted services to be provided, where appropriate, whilst continuing to work towards the overall aim of the strategy.

## **The current situation for Gypsy and Traveller communities**

This section of the paper sets out the current information and evidence, and the key issues experienced by Gypsy and Traveller communities, with actions identified on how to tackle these issues.

### **1. National context of Gypsies and Travellers**

Changes have taken place over recent years that impact Local Authority duties in relation to Gypsy and Traveller communities across various service areas.

#### **a. Government Commitment to Gypsies and Travellers**

The Government's objective is that Gypsies and Travellers and the settled community should live together peacefully, as outlined in *Local authorities and Gypsies and Travellers: a guide to responsibilities and powers* (Communities and Local Government, May 2007).

The Government is committed to ensuring that members of the Gypsy and Traveller community should have the same rights and responsibilities as every other citizen.

#### **b. New Legislative Environment**

The Housing Act 2004 and Planning Circular 01/2006, *Planning for Gypsy and Traveller Caravan Sites*, has put in place a framework which means every local authority has to identify land for the Gypsy and Traveller sites that are needed in its area.

### **Changes in Planning**

Major changes to the planning system have been introduced by the Planning and Compulsory Purchase Act 2004 (the Planning Act (2004)). The planning tools which the Planning Act (2004) makes available - and the associated move to more positive planning - will help deliver communities that are sustainable and work better for people.

During 2010 consultations will be held about the Gypsy and Traveller Site Allocations Development Planning Document (DPD) that will set out potential land for use as Gypsy and Traveller sites. As part of the DPD, work is underway to define criteria to consider Gypsy and Traveller site applications. In 2010 several public consultations will take place on this process.

### **The Housing Act 2004**

The Housing Act 2004 requires local housing authorities to include Gypsies and Travellers in their accommodation assessments and to take a strategic approach, including drawing up a strategy demonstrating how the

accommodation needs of Gypsies and Travellers will be met, as part of their wider housing strategies.

### **Other Relevant Acts and Bills include;**

- Race Relations Act 1996 (Amendment Act, 2000)
- Human Rights Act 2000
- The emerging Equalities Bill 2009 (2010 implementation)

### **2. National profile of Gypsies and Travellers**

The precise number of Gypsies and Travellers in England is unclear. Estimates of the Gypsy and Traveller population in Britain vary widely – some approximate that between 180,000 and 350,000 Gypsies and Travellers live in England today, of whom the majority live in conventional 'bricks and mortar' housing<sup>1</sup>.

According to *The road ahead: the final report of the independent task group on site provision and enforcement for Gypsies and Travellers, Communities and Local Government*, December 2007:

- 75% of Gypsies and Travellers who live in caravans are on authorised sites
- The remainder require 4,000 pitches, which is equivalent to around one square mile of land across the county.
- An average of £18million annually is spent on enforcement action on unauthorised encampments and unauthorised developments in England.
- All available data suggests that Gypsies and Irish Travellers are the most excluded ethnic minority groups in British society.

#### Health

- Research has found that 18% of Gypsy and Traveller mothers had experienced the death of a child, compared to around 1% of mothers in the settled population.
- More than 40% of Gypsies and Travellers report a life-limiting, long term illness.
- Life expectancy for members of Gypsy and Traveller communities is 10-12 years less than for members of settled communities.

#### Education

- In 2006, 19% of Irish Traveller children and 9.9% of Gypsy children achieved 5 A\* to C passes at GCSE, compared to 62.4% nationally.
- It is estimated that nationally, over 10,000 Gypsy and Traveller children are unregistered with a school.

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<sup>1</sup> Ivatts, A. 2005. *The Education of Gypsy/Roma Traveller and Travelling Children*. Department for Education and Skills in *Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers*. 2006: Commission for Racial Equality

### **3. Wiltshire profile of Gypsies and Travellers**

#### **Local Authority sites in Wiltshire**

Wiltshire Council currently owns and/or operates 6 residential Gypsy and Traveller sites around the County, providing a total of 96 pitches for their semi-permanent residents.

A further 12 pitches are available at an established transit site in the south-east of the County. Gypsies and Travellers can stay on the transit site for up to 28 days whilst they are travelling through the county.

There are currently no emergency stopping places where Gypsies and Travellers could stop for very short periods determined by the Local Authority.

This current level of provision accommodates 169 semi-permanent residents and a further 48 residents if the transit site is fully occupied, so a nominal total of 217 Gypsies and Travellers overall.

Area of the county	Number of local authority sites in each area	Numbers of people in each area
North Wiltshire	1 site	55
East Wiltshire	0 sites	0
South Wiltshire	3 sites	87
West Wiltshire	2 sites	27
Odstock Transit Site	1 site	48
Total		217

#### **Other sites in Wiltshire**

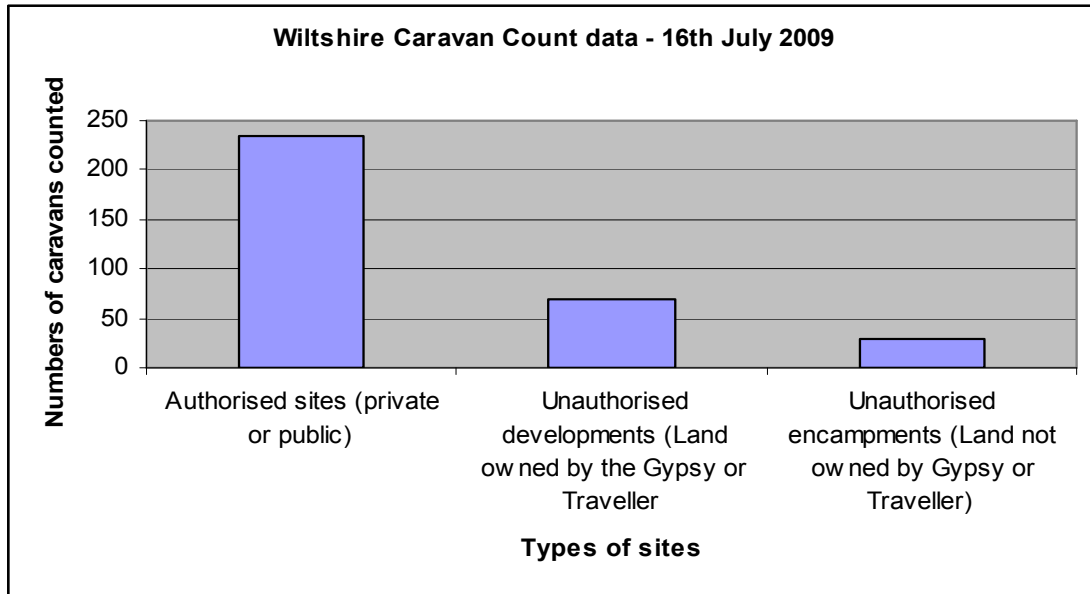
Gypsies and Travellers also live on private sites across the county, as well as living on unauthorised encampments.

Gypsies and Travellers in Wiltshire also live in 'bricks and mortar' accommodation, on houseboats on the canals (for example, Bargee Travellers), as well as living on sites that are a base for travelling with their business (for example, Travelling Showpeople).

Caravan counts are conducted in January and in July every year to provide a snapshot of the number of caravans in Wiltshire on that particular day. The last caravan count was conducted in January 2010, but the data collected is not yet published.

On the 16<sup>th</sup> of July 2009 a total of 340 caravans were counted in Wiltshire. The table and graph below show that most of the caravans counted were on authorised sites.

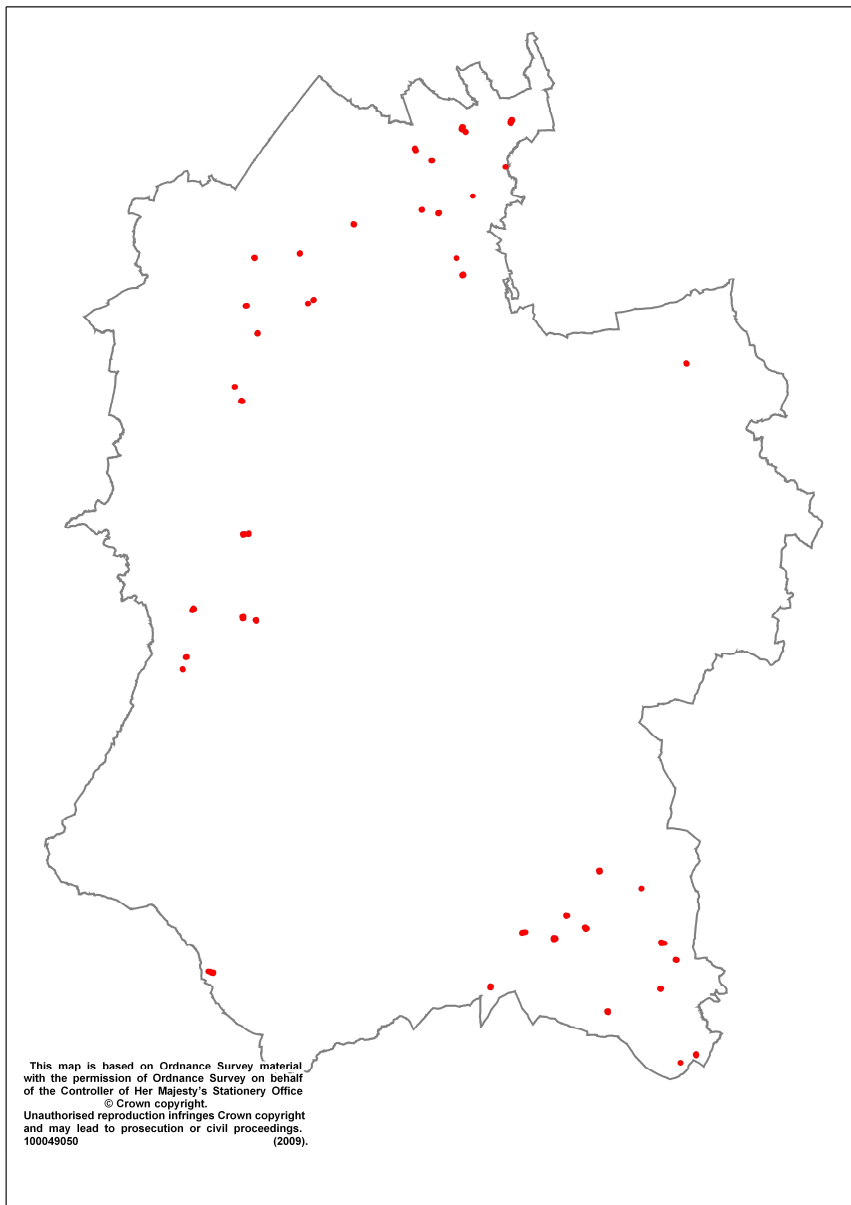
Type of site	Number of caravans	Percentage of total caravan count
Authorised sites (private or public)	235 caravans	69%
Unauthorised developments (i.e. on land that was owned by the Gypsies and Travellers).	70 caravans	21%
Unauthorised encampments (i.e. on sites where the land was not owned by the Gypsies and Travellers)	30 caravans	10%



The map below shows the locations of caravans recorded in the July 2009 caravan count.

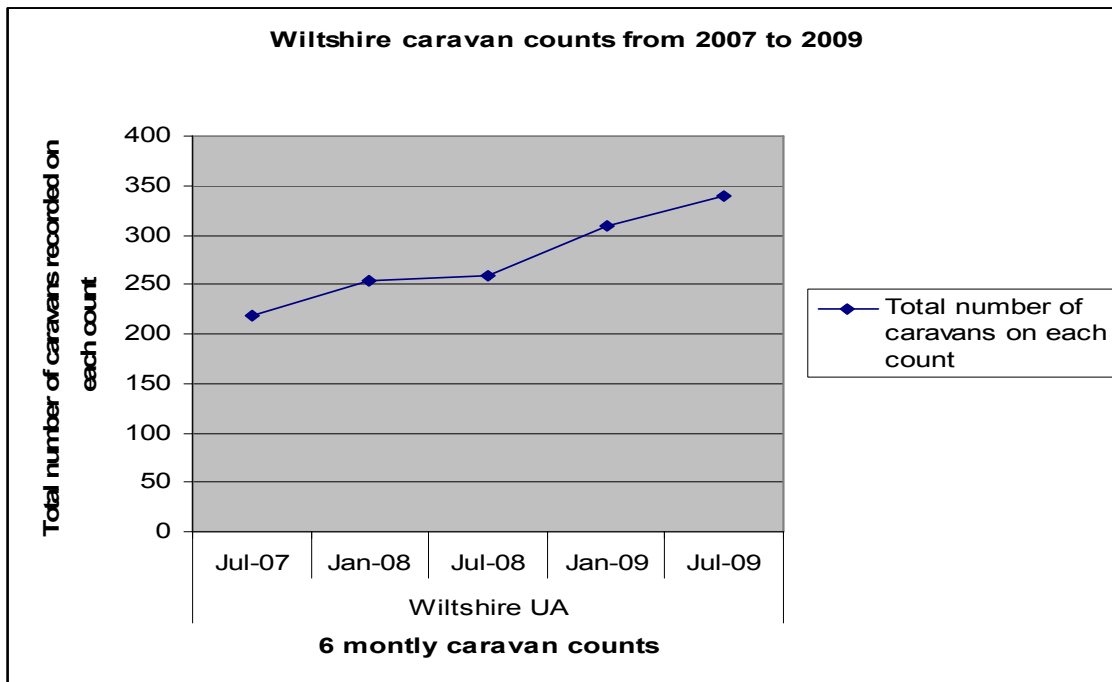


## Gypsy and Traveller sites in Wiltshire – July 2009 caravan count



As with the settled population, the population of Gypsy and Traveller communities in Wiltshire is increasing and will continue to increase in the near future. Previous caravan counts show that in the past two years, the number of caravans in the county has increased.

Increases in the numbers of Gypsies and Travellers in Wiltshire mean that more people will need accommodation in the future.



### Future site requirements

The Wiltshire and Swindon Gypsy and Traveller Accommodation Assessment 2006 (GTAA) was commissioned jointly by Swindon Borough and the five Wiltshire local authorities including the County Council in 2006. The study explores the accommodation needs of the Gypsy and Traveller communities in Wiltshire from 2006 until 2011. The GTAA identified the need for an additional 47 pitches on authorised residential sites, and an additional 12 transit pitches by 2011.

A pitch is an area of land that can accommodate a hard standing for at least 2 caravans, 2 parking spaces, a small storage shed and an amenity block for services.

GTAA figures were then submitted to the Regional Spatial Strategy and figures were increased, however it should be noted that the RSS has not yet been given final approval. The draft RSS revisions require Wiltshire to provide a total of an additional 85 residential pitches and an additional 27 transit pitches by 2011.

From 2011, a new Accommodation Assessment will be needed to establish short and long term accommodation requirements across the county.

#### **4. Why do we need a strategy? – Key issues in Wiltshire**

This section sets out some of the issues with current engagement and service provision for Gypsy and Traveller communities. There are many good things happening across services in Wiltshire, but this section looks at what needs to be improved over the next 12 months.

Issues and actions have been split in to 4 sections;  
Accommodation  
Knowledge and information  
Health, education and safer communities  
Community engagement

Timescales and priorities for the actions identified in this section are detailed in the action plan at the end of this section.

##### ***a. Accommodation***

###### **Unauthorised camping**

If Gypsies and Travellers have no sites to stop at, they often stop on the side of a road and become an unauthorised encampment. Increasing the numbers of sites available to Gypsies and Travellers should reduce the numbers of unauthorised encampments, or provide another place for Gypsies and Travellers to stop whilst they are in the county. A second transit site in Wiltshire would be operationally expedient in the North and West of the County.

New sites can either be Local Authority managed sites, sites managed by other organisations, or private sites owned by Gypsies and Travellers.

###### **Action 1**

To make sure that any new sites are in the best location and are well designed to meet the needs of Gypsy and Traveller communities, people from across the communities will need to be extensively involved in the identification and allocation of future sites in order to find most effective locations.

###### **Action 2**

There are currently no emergency stopping places for Gypsies and Travellers in Wiltshire, so information on preferred travelling routes and locations of unauthorised encampments for a 12 month period in order to assess the need for emergency stopping places in Wiltshire.

###### **Site provision**

Not all Gypsies and Travellers are able to afford to purchase land to build private sites.

**Action 3**

Alternative ways to provide sites should be researched and taken forward, for example considering shared ownership schemes or RSL development management of sites.

When a planning application is submitted for a site, local Members who decide whether that site meets planning policy criteria need to be supported to understand Gypsy and Traveller communities. With an awareness of the cultural needs of Gypsies and Travellers, Members will be better able to ensure that sites that meet the criteria can be approved quickly and efficiently, rather than all parties spending time and money on appeal processes.

**Action 4**

A cultural awareness training programme will be run for planning committee Members in order to support them with knowledge and information about the needs of Gypsy and Traveller communities.

**Accessibility of planning systems**

Systems to apply for planning permission are very complex and paper based. Gypsies and Traveller who have literacy problems can often find it very difficult to access these systems.

Gypsies and Travellers are entitled to pre-application advice as are members of settled communities, but this process is not often accessed by Gypsy and Traveller communities. So Gypsies and Travellers do not often speak to local planning officers before buying or moving on to a site.

**Action 5**

Wherever possible, planning teams will take proactive steps to encourage Gypsy and Traveller communities to begin discussions about potential sites or pieces of land early in the process to reduce rework. This should include the provision of information, support, and pre-application advice on planning issues

**Action 6**

Clear and easy to read information will be made available in accessible formats to support communities, such as Gypsy and Traveller communities, to access complex planning systems.

**Rights and responsibilities in planning**

As with members of settled communities, Gypsy and Traveller communities have rights to develop accommodation, but also responsibilities to do this within the law. If enforcement action is necessary, Gypsy and Traveller communities as well as settled communities will be made clearly aware of what can be expected from the local authority.

**Action 7**

An easy to read guide to the enforcement policy will be made available to Gypsy and Traveller communities, along

with general advice on what all communities can expect during an unauthorised development.

### **Accommodation improvements**

As highlighted by a stock conditions survey in 2008, accommodation provision that is owned and managed by Wiltshire Council is in a poor state of repair.

**Action 8** In order to improve accommodation provision through refurbishment or rebuilding, information will be collected to assess the cost and implications of refurbishment / replacement of LA managed sites. This will also be balanced against the health/wellbeing implications and costs of not taking action.

Once refurbished or rebuilt, maintenance and renewal of sites will be built in to the capital financing programme to ensure long term sustainability for the improvements to the accommodation provision.

### **Site management**

There are different systems for the management of Gypsy and Traveller sites compared to other housing stock.

**Action 9** The management of Gypsy and Traveller sites will be moved to the housing department to ensure that policies and procedures for managing sites are aligned with the policies and procedures for managing social housing. The overall aim is to ensure that the standard of accommodation provided on local authority sites is of the same standard as is provided to members of the settled community in social housing.

### **Transit site**

High levels of anti-social behaviour are often experienced on the transit site by residents on the transit site and also those on the adjoining residential site. The transit site has had CCTV cameras fitted in recent years, which has reduced the number of incidents of anti-social behaviour.

**Action 10** Licence conditions will be implemented on the transit site so that sanctions can be imposed for breaking these site conditions.

### **Different needs for future sites**

Current Local authority managed site provision does not allow for different cultural needs e.g. different types of sites are not provided for New Travellers. Wiltshire provides multi-cultural sites for all different sectors of the statutorily recognised Gypsy and Traveller community, and does not currently operate and discriminatory practices when making site provision.

**Action 11**

The consultation for the Gypsy and Traveller site allocations Development Planning Document should enable all Gypsy and Traveller communities to represent their views to ensure the planning policy allows for different types of sites.

***b. Knowledge and information*****Information needed**

Information about the needs and wants of Gypsy and Traveller communities is often not known, out of date, or will become outdated over the next 12 months. This means that the public sector as a whole does not effectively understand how to meet the needs of Gypsy and Traveller communities, and cannot provide services in a targeted way.

**Action 12**

A research exercise will be undertaken to gather any missing information and to update other information, including the accommodation needs of Gypsy and Traveller communities across Wiltshire, including those in bricks and mortar accommodation. The research will be over 6 months to ensure that the views of all members of Gypsy and Traveller communities in Wiltshire are incorporated. Where possible, frontline staff who have built up relationships with these communities will gather the information.

The information that is gathered about the wants and needs of Gypsy and Traveller communities will be fed in to the Joint Strategic Needs Assessment (JSNA) and all held in one place.

**Customer feedback**

Information and knowledge is not collected on what Gypsies and Travellers think of services that are provided, or what changes or improvements they would like to see.

**Action 13**

A system of customer feedback will be designed and implemented to assess the satisfaction of Gypsy and Traveller communities on all types of site and in bricks and mortar accommodation to ensure satisfaction. Settled communities also have a valuable contribution to make, especially where settled residents are already living in close proximity to existing residential sites.

**Local area information pack**

When Gypsies and Travellers move to new sites or are new to the county, they do not necessarily have access to effective, targeted and appropriate information about the local area or how to access services.

**Action 14**

An information pack will be produced with practical details to meet the needs of different communities – residents on LA sites, transit site and private sites. The 'Do's and Don'ts' of sites will be included along with information on local amenities.

Multi-agency information should be included in a simple/easy to read/pictorial information pack. A pilot pack will be tested with Gypsy and Traveller communities to ensure information is accessible, appropriate and correct.

For unauthorised developments and encampments, a checklist will be provided with information to support Gypsies and Travellers to stay safe whilst in the county. This will include directions to the local hospital and post office for example.

**Provision of accessible information**

Information is not always provided by the public sector in appropriate formats that are clear and easy to understand.

**Action 15**

Training will be provided for frontline staff across the public sector on cultural awareness, and information and advice on how to interact and communicate with Gypsy and Traveller communities. Particular focuses should include verbal explanation of information and ensuring that any written information provided is appropriate and accessible in easy read formats

**Public sector communication**

Not all public sector colleagues maintain regular contact with each other, or share information or knowledge on a regular basis, so some services are uncoordinated or patchy across the county.

**Action 16**

Public sector agencies will endeavour to work together to share information on a regular basis, and as issues emerge. The agencies will also work to share data and statistical information on a regular basis to inform the ongoing development of Gypsy and Traveller services. This information will be held as part of the Joint Strategic Needs Assessment, as a central point of information to improve the provision of services.

***c. Health, education and safer communities – Issues and actions*****Health information**

Not enough information is known about the particular health conditions suffered by Gypsies and Travellers in Wiltshire, so preventative services cannot be targetted effectively.

**Action 17**

Existing local health information for Gypsy and Traveller communities should be assessed and evaluated to find gaps in existing data. Any new research should include both quantitative and qualitative information from across Gypsy and Traveller communities in Wiltshire and should look to form a complete picture of the health needs of Gypsy and Traveller communities in Wiltshire to provide effective, targeted and appropriate services.

**Cross-departmental communication**

Staff across the public sector are not aware that dedicated teams such as the Traveller Services team and the Traveller Education team provide dedicated support to Gypsy and Traveller communities. This sometimes results in the police being asked to accompany staff from other agencies on site visits, rather than a member of these other teams.

**Action 18**

A communications protocol will be developed and put in place to ensure that where possible, any community services frontline worker visiting a local authority site speaks with a member of the Traveller Services team to ensure that services are as coordinated as possible.

**Access to health services**

Gypsies and Travellers can find it difficult to access health services in Wiltshire. The Joint Strategic Needs Assessment 2009 found that particular issues included lack of accessible information being provided, and a lack of outreach mental health services

**Action 19**

Information and advice will be provided for communities to raise awareness about particular health conditions that are prevalent for Gypsy and Traveller communities, in order to increase take-up of preventative services. This will include the provision of face to face advice and information. Accessible information and advice will also be provided on care and support available to Gypsy and Traveller communities from Community Services.

**Action 20**

Frontline staff will receive guidance on personalisation and the work of adult social care in Wiltshire, as well as training in order enable effective signposting to appropriate health services.

**Access to and take-up of education provision and funding**

A lack of access to educational funding adversely impacts on young Gypsies and Travellers. There is also a low take-up of further and higher education programmes among Gypsy and Traveller communities

**Action 21**

Training will be offered to senior leadership teams in schools



to increase the support available for Gypsy and Traveller children. Also, the barriers to accessing educational funding and other forms of education, for example vocational training, should be identified and assessed to understand the reasons for higher and further education not being accessed.

### **Adult literacy**

Literacy levels for some young people who no longer attend school, and for adults in Gypsy and Traveller communities is often low. There is currently no support provided specifically for adults in Gypsy and Traveller communities to increase their literacy levels.

#### **Action 22**

Adult literacy services should be assessed and targeted information should be provided to Gypsy and Traveller communities in order to increase their take-up.

Existing sources of information provision that visit sites i.e. mobile libraries and community buses, should be considered for use as outreach literacy services, or for providing initial targeted sessions in order to support communities in taking up these services. Specific outreach services may need to be provided to complement existing provision

### **Unauthorised encampments – multi-agency response**

There is a tension between the legal obligation of the council to take enforcement action in relation to unauthorised developments and encampments, and sustained engagement with Gypsy and Traveller communities. The tension has potential adverse impact on the health and wellbeing of Gypsy and Traveller communities.

#### **Action 23**

To make the process as consistent as possible, agencies will share information about unauthorised encampments and new residents arriving on sites as quickly as possible. This will ensure that multiple agencies are able to respond as soon as possible, in a clear, consistent and coordinated way.

## ***d. Community engagement – Issues and actions***

### **Negative perceptions**

Gypsies and Travellers can often face discrimination from settled communities when moving to a new site or beginning a new development

#### **Action 24**

Officers, Members and frontline staff will be supported in liaising with members of settled communities to provide reassurance and to tackle prejudices. Clear communication is needed to support local residents and members of the settled community to overcome initial fears of a Gypsy and Traveller site. A framework should be established to ensure a coordinated and consistent message is communicated from across the public sector.

Engagement with Area Boards will also take place where land options have been identified to communicate with Members and the general public. This will include appreciating the issues raised by both settled and Gypsy and Traveller communities, as well as providing support to communities to understand each other better.

**Action 25**

Cultural awareness training will be provided for planning officers, Members and other stakeholders by frontline officers. Part of this training will ensure that when ever someone would like further information or would like to be accompanied on a visit to a Gypsy and Traveller site for example, they are aware of who to contact.

**Consultation on strategy**

This strategy is the first stage of a process to gather information, and the public sector as a whole needs to talk to Gypsy and Traveller communities to discuss their needs and wants, and how services can support them.

**Action 26**

A 6 month programme of engagement will take place to gather comments and feedback from across Gypsy and Traveller communities.

All frontline officers should be supported to understand the needs and wants of Gypsy and Traveller communities, and to understand what the barriers are to achieving fair and equitable services

## Wiltshire Gypsy and Traveller Strategy Action Plan

This action plan will be managed by the Gypsy and Traveller Strategy coordinating group (G&T coord grp)

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
<b>Accommodation</b>								
1	Unauthorised camping	Gypsy and Traveller communities should be extensively involved in the identification and allocation of future sites in order to find most effective locations. Comments and feedback should be gathered from all Gypsy and Traveller communities, including unauthorised encampments.	Spatial planning team	Within existing work and existing resources	Low risk - Consultation process already planned but need to be proactive to ensure comments from across Gypsy and Traveller communities are incorporated	High risk - Sites identified for potential use as Gypsy and Traveller sites will not meet the needs of these communities	1	6 months
2	Unauthorised camping	Assess the need for an emergency stopping site (or several across the county) by speaking with all unauthorised encampments for a 12 month period.	Traveller services team / Housing team / Highways team	Officer time to research and collate data  Cost to put in emergency stopping places	Medium risk - expectations will need to be managed to ensure gathering information to ensure informed decisions is not a commitment to provide Emergency Stopping Places across the county	Medium risk of not taking action - Emergency stopping places need to become part of a mechanism of response and support for Gypsy and Traveller communities	4	12 months to collect information

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
3	Site provision	Not all Gypsies and Travellers are able to afford to purchase land to build private sites, so alternative ways to provide sites should be researched and taken forward, for example considering shared ownership schemes or RSL management of sites	Housing team	Officer time to research  Unknown cost of providing sites - depends on delivery method	Low risk - Need full range of options for site delivery to be explored in order to find a variety of approaches for potential site delivery, even if are not successful.	Medium risk - Need to provide support for Gypsy and Traveller families that are unable to buy land as is available for settled communities	2	6 months
4	Site provision	Training for planning committee members will support the Members to enable private sites meeting the criteria set out in the planning policy to be approved quickly and efficiently.	Planning service to ensure Members receive adequate training	Training costs to support Members	Low risk - Members need to be supported as policies and approaches change in order to fully understand the implications	High risk - A change of approach will not be achieved without supporting Members in understanding Gypsy and Traveller communities.	1	6 months to begin then ongoing

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
5	Accessibility of planning systems	Planning teams will proactively encourage Gypsy and Traveller communities to begin discussions early in the planning process to reduce rework.	Planning area teams	Within existing work and existing resources	Low risk - Ensuring Gypsy and Traveller communities are aware of planning legislation and how to access advice and support could increase private site provision.	Low risk - Sites will not be delivered as efficiently or effectively as with encouragement to take up existing advice and support services	3	12 months
6	Accessibility of planning systems	Clear and easy to read information will be provided to support Gypsy and Traveller communities to access the complex planning system.	Planning area teams Strategy project group	Officer time to create pack  Cost of printing pack			3	12 months
7	Rights and responsibilities in planning	An easy to read guide to the enforcement policy will be made available to Gypsy and Traveller communities, along with general advice on what all communities can expect during an unauthorised development.	Planning area teams	Officer time to create pack – planned within existing workloads.	Low risk - Ensuring Gypsy and Traveller communities and settled communities are aware of what processes will be followed in the event of enforcement action will ensure services are transparent	Low risk – Enforcement processes will not be clear to all communities, potentially causing confusion and misunderstanding	3	12 months

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
8	Accommodation improvements	Information will be collected on the cost and implications of refurbishment / rebuilding of LA managed sites, balanced against the health/wellbeing implications and costs of not taking action. Once refurbished/rebuilt, maintenance and renewal of sites should be built in to a rolling programme to ensure long term sustainability for improvements.	G&T coord grp	Cost to Capital building programme for refurbishment or rebuild	High risk of taking action - Sites need sustained, long term improvement and refurbishment or rebuilding needs to learn from existing sites, as well as adhering to government guidance on design	High risk of not taking action - Costs to maintain current accommodation is not sustainable	1	6 months to plan the phased refurb of sites into the Capital finance programme
9	Site management	The management of Gypsy and Traveller sites will be moved to the housing department to ensure that this is aligned with the policies and procedures for managing social housing.	Housing team / Traveller services team	Officer time to align practices and procedures	Low risk of taking action - Need to understand potential unfair and discriminatory systems in order to make fair and equitable	High risk of not taking action - No alignment of policies and procedures means potential disadvantage of Gypsy and Traveller communities in comparison to settled communities.	1	6 months

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
10	Transit site	License conditions will be implemented so that sanctions can be imposed for breaking these site conditions	Traveller services team	Within existing officer time to design and implement	Medium risk of taking action - improved licence conditions will require effective support from across the organisation	High risk of not taking action - Need to ensure management of transit site is robust in order to continue to support residents on adjoining residential site	3	6 months
11	Different needs for future sites	The consultation for the Gypsy and Traveller site allocations Development Planning Document should enable all Gypsy and Traveller communities to represent their views to ensure the planning policy allows for different types of sites.	Spatial planning team	Officer time as part of existing consultation work	Low risk of taking action - Consultation process will take place, but need to be proactive to ensure comments from across Gypsy and Traveller communities are incorporated	High risk of not taking action - If planning policies do not properly allow for all types of future pitch need, will only be partially successful.	3	12 months
<b>Knowledge and information</b>								

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
12	Information needed	A research exercise will be undertaken to gather any missing information and to update other information.	G&T coord grp with Corporate Research team  Frontline officers will collect data	Cost of officer time or consultancy costs to complete the research	Low risk of taking action - 6 months of engagement across Gypsy and Traveller communities by all frontline officers should ensure a range of views is incorporated from across the county	High risk of not taking action - If no effective information is understood about the health needs of Gypsy and Traveller communities, health inequalities cannot be understood or tackled	2	Begin collecting information within 12 months
13	Customer feedback	A regular system of customer feedback will be put in place to assess the satisfaction of Gypsy and Traveller communities on all types of site and in bricks and mortar accommodation to ensure satisfaction.	G&T coord grp	Officer time to design, implement feedback system, and to collect data	Medium risk - expectations will need to be managed to ensure gather information is not interpreted as a promise to take action in all areas	High risk - With no system to gather information, services are not able to effectively meet the needs of communities	1	6 months



	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
14	Local area information pack	An information pack will be produced to meet the needs of different communities – residents on LA sites, transit site, and private sites. The 'Do's and Don'ts' of sites will be included along with information on local amenities and multi-agency information.	Traveller Education Team – Education Welfare Officer to produce draft	Officer time to adapt existing documents, and to verbally explain information pack  Cost to print information packs	Low risk - Content needs to be effectively managed and regularly updated, with wastage costs reduced by printing small. This will ensure information is not out of date and feedback from communities is incorporated. Consistent information will be provided	Low risk - Better information provision will ensure Gypsies and Travellers are able to settle in to communities quicker, and are better able to access appropriate services and facilities if only in the county for a short time.	1	6 months

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
15	Provision of accessible information	Training will be provided for frontline staff across the public sector on cultural awareness, and information and advice on how to interact and communicate with Gypsy and Traveller communities.	G&T coord grp	Officer time to design  Cost to implement training - if run by existing officers	Medium risk of taking action - Effective engagement of staff will be needed to ensure cultural awareness lessons are effectively applied in practice	High risk of not taking action - Without supporting staff members to provide services that are appropriate and accessible for members of Gypsy and Traveller communities, settled communities will be better able to access support and services.	2	6 months

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
16	Public sector communication	Public sector agencies should work together to share information on a regular basis, as issues emerge.  Public sector agencies should also share data and statistical information on a regular basis to inform the ongoing development of Gypsy and Traveller services. officers need to maintain regular contact and to discuss emerging issues and share information	G&T coord grp	Officer time to record and share information  Staff time to administrative meetings and to attend meetings.	Low risk of taking action - officers at the correct level need to be involved in meetings and committed to implementing the action plan they have worked to devise	High risk of not taking action - Without regular sharing of information, officers will not have a broad understanding of the situation for Gypsies and Travellers, and services will continue to be uncoordinated	1	6 months to begin regularly sharing information
<b>Health, education and safer communities</b>								
17	Health information	Existing local health information for Gypsy and Traveller communities will be assessed and evaluated to find gaps in existing data.	Corporate Research team	Cost to research and provide targeted services	Low risk - Any targeted health services would need to be based on clear information which is not collected at the moment	Medium risk - without local health information services cannot be targeted effectively to reduce health inequalities in relation to settled communities	3	12 months to gather and assess information

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
18	Cross-departmental communication	A communications protocol will be put in place to ensure that any community services frontline worker visiting a local authority site speaks with a member of the Traveller Services team to ensure that services are as coordinated as possible.	Community services – transformation team	Officer time to design and implement protocol	Low risk of taking action - More effective signposting and awareness should ensure greater awareness amongst staff	Low risk of not taking action – Better information and awareness of other departments working with client groups will improve coordination and provision of appropriate and targeted services.	4	
19	Access to health services	Information and advice will be provided for communities to raise awareness about particular health conditions that are prevalent for Gypsy and Traveller communities, in order to increase take-up of preventative services. This will include the provision of face to face advice and information. Accessible information will also be provided on support available to Gypsy and Traveller communities from Community Services.	Health and well-being partnership  Community Services – Transformation team	Cost to provide information in alternative formats	Low risk of taking action - More effective signposting and awareness should ensure greater awareness of the services that are available	Low risk of not taking action - If not done, no effective signposting of services	2	12 months

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
20	Access to health services	Frontline staff will receive guidance on personalisation and the work of adult social care in Wiltshire, as well as training in order enable effective signposting to appropriate health services.	Community services – Transformation team  Health and well-being partnership	Cost of training course and staff time to attend	Low risk of taking action - More effective signposting and awareness should ensure greater awareness of the services that are available	Low risk of not taking action - If not done, no effective signposting of services	2	12 months
21	Access to and take-up of education provision and funding	Training will be offered to senior leadership teams in schools to increase the support available for Gypsy and Traveller children. Also, the barriers to accessing educational funding and other forms of education, for example vocational training, should be identified and assessed to understand the reasons for higher and further education not being accessed.	Traveller Education team	Officer time to research needs and map provision  Cost to fund courses or access to services	Medium risk of taking action - Expectations may be raised if funding streams are unable to be accessed as funding streams are often linked to schooling	Medium risk of not taking action - Need to ensure Gypsy and Traveller communities are choosing not to access further or higher education, not that barriers are being put in places to stop them accessing those services.	4	12 months

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
22	Adult literacy	Adult literacy services should be assessed and targeted information should be provided to Gypsy and Traveller communities in order to increase their take-up.	Health and wellbeing partnership  Children and young people's trust board  Traveller Education team.	Unknown costs - Cost to assess literacy levels in Gypsy and Traveller communities  Cost to adapt existing or implement new provision	Medium risk of taking action - Expectations may be raised if funding streams are unable to be accessed. Particular issues exist around funding for transport to literacy services	Medium risk of not taking action - If steps are not taken to support access to services, the educational attainment and literacy gap between Gypsy and Traveller communities and settled communities will not improve	3	12 months

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
23	Unauthorised encampments – multi-agency response	To make the process as consistent as possible, agencies will share information about unauthorised encampments and new residents arriving on sites as quickly as possible.	G&T coord grp	Officer time to design  Officer time to respond to unauthorised encampments	Low risk of taking action - Officers from across the public sector need to interact on a regular basis to ensure that any response is coordinated.	Medium risk of not taking action - If no multi-agency agreement on response to encampments, service will continue to be uncoordinated and untimely.	2	6 months
<b>Community engagement</b>								
24	Negative perceptions	Officers, Members and frontline staff will be supported in liaising with members of settled communities to provide reassurance and to tackle prejudices.	Communications teams of public sector	Officer time to interact with communities	Medium risk - Potential accusations of favouritism when trying to provide fair and equitable services	High risk - With no concerted effort to tackle prejudices and stereotypes against Gypsy and Traveller communities, new sites, however delivered, will not be effective at building strong and resilient communities	1	6 months

	Issue	Action	Who	Resources	Risk of taking action H / M / L	Risk of not taking action H / M / L	Priority 1 high	Timescale
25	Negative perceptions	Cultural awareness training will be provided for planning officers, Members and other stakeholders by frontline officers, and regular reviews of the content and suitability of training material will be reviewed on a regular basis.	G&T coord grp	Officer time to produce and run training on a regular basis	Low risk - Enables officers and Members to be able to raise questions and concerns	High risk - All frontline officers across the public sector need awareness of how to interact effectively with Gypsy and Traveller communities	2	6 months to begin then ongoing
26	Consultation on strategy	A 6 month programme of engagement will take place to gather comments and feedback from across Gypsy and Traveller communities.	G&T coord grp	Officer time to interact with communities	Medium risk of taking action - Expectations may be raised among Gypsy and Traveller communities that everything identified through the strategy consultation will be fixed	Medium risk if not done - Gypsy and Traveller communities will not buy-in to the strategy and any revisions will not incorporate their needs and wants for the next 5 years	1	6 months



**Wiltshire Council**

**Cabinet**

**24 May 2010**

---

**Subject: Wiltshire Council Inspection Strategy for Contaminated Land**

**Cabinet Member: Keith Humphries – Health and Wellbeing**

**Key Decision: Yes**

---

## **Executive Summary**

The Environmental Protection Act 1990 Part II(a) places a duty on Local Authorities to survey their administrative area for land contamination. Where contamination is found that is or is likely to result in harm then the authority must exercise its duties under the act to identify the parties responsible for the contamination or who allowed the contamination to occur and secure the remediation (clean up) of the land & where necessary, groundwater.

All councils must produce a document detailing how they intend to carry out this statutory function, in the form of a “Contaminated Land Strategy”.

The attached strategy draws together the four district councils’ policies into one unified consistent policy document. The Strategy:-

- Reviews the historical legacy of land contamination
- Examines the key concepts of the UK contaminated land regime.
- Reviews the geology, hydrogeology, biodiversity and other factors
- Details the development of the strategy
- Describes the inspection strategy we will undertake, continuing from the district councils’ work.

Consultation and liaison has been undertaken with statutory consultees such as the Environment Agency who are party to the enforcement of this legislation in respect of special sites. (in some circumstances a site may be designated as “special” by the local authority and passed for enforcement to the Agency. These sites are defined in the legislation).

The unified Contaminated Land Strategy for Wiltshire Council is attached for consideration and approval

**Proposal**

It is recommended the Cabinet adopts the attached Contaminated Land Strategy for Wiltshire Council.

**Reason for Proposal**

The Environment Act 1995 places a duty on Wiltshire Council to develop and adopt a contaminated land strategy for its administrative area. This document has been produced in order to discharge that duty.

**Maggie Rae**  
**Corporate Director for Public Health & Wellbeing**

## **Wiltshire Council**

### **Cabinet**

**24 May 2010**

---

**Subject: Wiltshire Council Inspection Strategy  
for Contaminated land**

**Cabinet Member: Keith Humphries – Health and Wellbeing**

**Key Decision: Yes**

---

### **Purpose of Report**

1. To bring to the attention of Cabinet the new Contaminated Land Strategy for Wiltshire, which replaces the 4 separate strategies previously operated by the district councils with one unified document and to seek its formal adoption by Cabinet.

### **Background**

2. The Environmental Protection Act 1990 Part II(a) came into force in 2000 enshrining in law a national regime for dealing with contaminated land. It placed many duties on local councils, the key components' of which are:
  - To inspect the district to identify areas of land where land contamination is likely to be present.
  - To determine which sites meet the statutory definition of contaminated land and where necessary designate them as Special sites for enforcement action by the Environment Agency.
  - To determine who is responsible for causing pollution.
  - To ensure the remediation (clean up) of contaminated land occurs by voluntary action, where possible, and under enforcement powers if necessary.
  - To determine who should pay for the clean up (following the "polluter pays principle")
  - To inform the public of the action taken and to maintain a public register of sites "determined" as contaminated.
  - To ensure that potential land contamination issues are considered in all strategic planning and development control decisions.

It should be noted that the Governments preferred option is for land contamination to be dealt with through the planning process.

The legislation requires local authorities to develop a formal framework detailing how the council will go about implementing it. This takes the form of a “Contaminated Strategy” and the attached document was been developed in order to discharge this duty. The strategy is attached as appendix 1.

In developing the document we have consulted externally with:

- The Environment Agency
- English Nature
- English Heritage
- Health Protection Agency
- Natural England, and
- The public via the web

Internal consultation has been undertaken with, Area Boards, Elected members, Forward Planning, Development control, Minerals Waste & Planning, Legal Services and Property Services and others.

The document will remain on the website for ease of access by interested parties.

### **Environmental Impact of the Proposal**

3. The objective of the legislation is to protect ecosystems, the general environment and humans from actual and potential harm caused by past environmentally damaging activity.

### **Equalities Impact of the Proposal**

4. Regard has been had to Wiltshire Council’s policies on diversity and equality. The strategy is classed as being “Low relevance” within the Corporate Equality Impact Assessment framework however the strategy will be applied having regard to legislative duties, council policy and relevant officer codes of conduct.

### **Risk Assessment**

5. These are summarised in the table below, in the form of a SWOT analysis.

<b>Strengths</b>	<b>Weaknesses</b>
<p>Adoption:</p> <p>Allow continuance of progressive work by the district councils.</p> <p>Protect the council from civil litigation &amp; Judicial review.</p> <p>Maintain the council's reputation for the protection of the environment &amp; communities.</p>	<p>Rejection:</p> <p>Inhibit officers' exercising the council's legal duties under the legislation.</p> <p>Decisions made in the context of contaminated land may be subject to legal challenge &amp; judicial review.</p>
<b>Opportunities</b>	<b>Threats</b>
<p>To further develop the reputation of the council for protection of environment &amp; communities</p>	<p>Failure to comply with legal duty; council will be ultra vires.</p> <p>Council may be open to claims of compensation.</p> <p>Reputation of the council at risk.</p>

### **Financial Implications**

6. The council has a duty to investigate land to establish whether risks to human health or the environment exist. The council has a small budget for limited investigations, however central funding from DEFRA in the form of grants can be bid for each financial year in respect of specific sites and it is our intention to make bids in respect of several sites.

### **Legal Implications**

7. Adoption of the strategy will ensure the council is compliant with its legislative duty.

### **Conclusions**

8. The council is obliged by the Environmental Protection Act 1990 Pt(II) to adopt a contaminated land strategy to avoid risks of legal Challenge, and to deal both reactively and proactively with contaminated sites.

**Maggie Rae**  
**Corporate Director for Public Health & Wellbeing**

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**Date of report: 24 May 2010**

**Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

None. The Strategy has been developed from the previous four District Council strategies.

**Appendices**

Summary of Strategy  
Contaminated Land Strategy for Wiltshire.

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## **Summary of Contaminated Land Strategy for Wiltshire.**

### **Legal framework**

- Contaminated land provisions are contained in the Environmental Protection Act 1990 Part 2 (a)
- The Act came into force in 2000 as a function of district and unitary councils. ( The legislation is usually know as “Part 2 (a)”)
- There is a legal requirement to proactively survey the “district” for potentially contaminated land.
- The Act requires that Councils prepare a contaminated land strategy detailing how they will go about surveying their area and implement the legislation
- The Governments preferred route for dealing with contaminated land is via the planning system and a significant number of old factories and commercial sites around Wiltshire have been cleaned up (remediated) using this system.
- Where an investigation leads us to the conclusion that land is contaminated and action is required under Part 2(a) because there are risks to humans, water supplies or ecosystems we are required to “determine” it, consult with all relevant parties and the Environment Agency. Ultimately we have to serve a remediation notice on those responsible for the contamination.
- There is a separate procedure for land that is identified as needing urgent remediation which allows work to be carried out and for costs to be recovered.
- DEFRA has produced statutory guidance on the application of the legislation as it is a complex area of law. (circular 01/2006)
- Some sites such as those owned by the MoD, gasworks etc are classed as “Special sites”. Where a Local Authorities suspects land contamination it must refer the case to the Environment Agency for investigation. The local Authority will if necessary then make the determination based on the Environment Agencies findings and recommendations.

### **Background**

- The district councils had adopted their own contaminated land strategies and had progressed with the implementation of them to varying degrees. This document draws these four documents together and provides a consistent approach to this work.
- There are 3 sites that have reached the stage of being determined as contaminated land. One is being remediated voluntarily.
- The Environment Agency is investigating several sites on the authority’s behalf. This includes overseeing the investigation of two sites which are being investigated voluntarily by the site owners/ occupiers.

### **Progress**

- The Specialist Environmental Protection Team will review past work and reprioritize new site investigations on a Wiltshire wide basis.
- The team will continue to progress with those sites already underway.
- Site priority will be reviewed periodically if changes in the environment occur (e.g. if a new school or housing is built nearby)
- The strategy will be subject to periodic review- at least every five years.

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# Wiltshire Council Inspection Strategy for Contaminated Land



## Executive summary

Part IIA of the Environmental Protection Act 1990 became law on 1 April 2000, providing for the first time a legal definition of **contaminated land** and a new regulatory regime for its identification and remediation.

The regime places a duty on Local Authorities (LAs) to inspect the land within their administrative area periodically for evidence of ground contamination that is causing, or has the potential to cause, significant harm to environmental receptors.

The role of the Local Authorities under the new legislation is to:

- ❑ cause their administrative areas to be inspected to identify **contaminated land**
- ❑ determine whether any particular site is **contaminated land**
- ❑ act as the enforcing authority for any site that is not designated as a 'Special Site' (for which the Environment Agency is the enforcing authority).
- ❑ establish who should bear responsibility for the remediation of the land
- ❑ decide what remediation is required and to ensure that the remediation takes place
- ❑ determine who should bear the costs of remediation work
- ❑ record certain prescribed information about their regulatory actions on a **Public Contaminated Land Register**.

The new regulations require each authority to prepare, adopt and publish, a formal written strategy for the inspection of its area setting out a rational, ordered and efficient approach to the identification of land which merits detailed individual inspection.

The inspection will consist of a receptor based approach, a comprehensive search of potentially contaminative historical use of land where it is known that environmental receptors exist. The following priority for inspection of environmental receptors is proposed:

1. Human receptors: areas where the receptors are present and where long exposure times to contaminants are possible; areas such as schools, hospitals, residential homes and domestic dwellings, and where near constant exposure to any contamination may be expected, will be the main priority.
2. Human receptors: areas where receptors are present, but where exposure times to contaminants are limited. These areas will include business and commercial premises, public open spaces, recreational grounds/premises
3. Potable water abstractions, including private water supplies and the associated source protection zones

4. Controlled bodies of water not included in the above
5. Livestock and designated ecosystems.

This information will be handled in the council's Geographical Information System (GIS), and a database of sites where receptors and sources co-locate will be generated.

These sites will then be subject to a process of prioritisation and categorisation based upon risk assessment criteria. This will itself be a staged process and will categorise sites based on the likelihood of harm and of pathways existing.

An initial assessment of priority sites to identify those requiring prompt action will be carried out towards the end of the first year, however any sites considered as requiring urgent action will be dealt with as they come to the council's attention.

Wiltshire Council's inspection strategy is detailed herein and is prioritised to identify the most serious ground contamination problems which may pose an actual or potential risk to human health and the drinking water.

The inspection strategy for contaminated land is subject to review every five years or as necessitated by changes in primary legislation and supporting guidance.

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## **1.0 Introduction**

### **1.1 The historical legacy of land contamination**

The United Kingdom's historical heritage has resulted in a substantial legacy of land contamination some of which has the potential to harm both human health and the environment.

Many historic processes and practices used substances which we now know to be harmful and often produced wastes and by-products which were disposed of inappropriately. There was little concern for the environment and often few efforts to prevent human exposure.

In the period between the end of World War Two and the present there has been an increasing realisation that this industrial heritage had left us with a legacy of contamination which requires careful consideration. This is particularly the case where the decline of some industries and the need to reuse the resulting 'Brownfield' land often results in contamination being uncovered and could lead to fresh environmental problems and human exposure.

There is no accurate figure for the amount of contaminated land in the UK and estimates vary from between 100,000 and 300,000 hectares.

### **1.2 Legislative framework**

The Environmental Protection Act 1990 (EPA) introduced a number of controls to protect the environment, including section 143 of the Act which attempted to introduce a register of land that was potentially subject to a contaminative use. The initial legislation caused great fear of land blight and this combined with unclear guidance resulted in the provisions never being implemented.

The Environment Act 1995 replaced these provisions with a more comprehensive regime which is commonly known as Part IIA.

The key priorities enshrined in the legislation are:

- i) to ensure that risks associated with land contamination are reduced to an acceptable level
- ii) to bring contaminated sites back into a beneficial use
- iii) to ensure the cost burdens are proportionate, manageable and economically sustainable.

The Wiltshire Contaminated Land Strategy is part of a wider regulatory and strategic framework which is intended to protect the environment from inappropriate development, pollution, environmental crime and inadequate waste management.

### **1.3 Key components of the Wiltshire Contaminated Land Strategy**

Part IIA of the Environmental Protection Act 1990 places a number of duties upon the local authority. These are to:

- inspect the district to identify areas of land where land contamination is likely to present
- determine which sites meet the statutory definition of contaminated land and if these sites need to be designated as special sites
- ensure that effective remediation of contaminated land occurs, by voluntary action if possible and by the use of enforcement powers should this become necessary
- determine who is responsible for causing the pollution and who should pay for the clean up (the 'polluter pays' principle applies)
- inform the public of the action taken and to maintain a public register of declared sites
- ensure that potential land contamination issues are considered in all strategic planning and developmental control decisions.

In addition to the statutory duties the strategy requires that a database of land owned by the authority, which may be subject to contamination, be compiled and risk assessed to ensure it is fit for purpose.

The delivery of the strategy will require partnership working, particularly with the Health Protection Agency and the Environment Agency which will be able to provide invaluable site specific assistance.

In April 2009, Wiltshire became a unitary authority, replacing the previous two tier structure. This required the merging of Wiltshire County Council, West Wiltshire District Council, Salisbury District Council, North Wiltshire District Council and Kennet District Council.

The four district councils have already made good progress in collating and evaluating historical data on past industrial and land uses that may have led to contamination and have identified sites of potential concern. The existing data needs to be combined into one data set and to be reprioritised to ensure that sites are correctly prioritised and that the



correct actions are taken by the appropriate authorities.

The strategy has been developed having regard to the legislative requirements, key national priorities, best practice and the characteristics (geographical, social and economic) of the local area.

The strategy sets out the council's approach to inspecting its area to identify contaminated sites and ensure proportionate, timely and effective action is taken to make them suitable for use. Its core objective is given in fig.1 below.

To protect human health and the environment by identification of potentially contaminated sites that require detailed individual inspection in a rational, ordered and efficient manner and to ensure a proportionate response to contamination and remediation using a risk based approach
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Figure 1 Core objective of strategy**

## 2.0 Key concepts of the UK contaminated land regime

### 2.1 Principles of Part IIA

Sections 78A to 78YC of the Environmental Protection Act 1990 contain the main legislation relating to contaminated land. This is accompanied by the Contaminated Land (England) Regulations 2000 ('the Regulations') and by a Department of the Environment Transport and the Regions (DETR) circular, Circular 02/2000 Contaminated Land: Implementation of Part IIA of the EPA 'the circular'), updated in September 2006 as Circular 01/2006.

The government has adopted a 'suitability of use' approach when considering land contamination and requires the use of risk assessment on a site by site basis. It is necessary to consider the extent of the contamination in relation to the current and adjacent land, local circumstances and a wide range of environmental impacts. There are three main elements to this approach.

- i) **Ensuring land is suitable for its current use.**  
Identifying land where the type and extent of any contamination causes an unacceptable risk to human health, and remediating the land to a condition where the risks are reduced to an acceptable level.
- ii) **Ensuring land is made suitable for any new use**  
Assess the potential risk from contamination on the basis of a proposed future use, before planning permission for that use is granted, and, where necessary, ensuring that land is remediated before the new use commences in partnership with the local planning authority, building control and other agencies as appropriate.
- iii) **Proportionate approach to remediation**  
Limit the requirements for remediation to works that are essential to prevent unacceptable risks to human health or the environment for uses that are permitted under the current planning permission.

### 2.2 Objectives of Part IIA

Circular 02/2000 outlined the primary objectives for introducing the Part IIA Regime.

- i) To improve the focus and transparency of the controls, ensuring authorities take a strategic approach to the problems of land contamination
- ii) To enable all problems resulting from contamination to be handled as part of the same process
- iii) To increase the consistency of approach taken by different authorities
- iv) To provide a more tailored regulatory mechanism, including liability rules, better able to reflect the complexity and range of circumstances found on individual sites.

### **2.3 Roles and responsibilities under Part IIA**

The Department of the Environment, Food and Rural Affairs (DEFRA) has the primary responsibility for the strategic management of the contaminated land regime and for implementing and reviewing the associated national policies.

The Local Authority (LA) takes the primary role in terms of regulation and local implementation. The duties are complimentary to the existing statutory nuisance and planning regimes for which the Local Authority was already responsible. The Environment Agency (EA) has responsibility where controlled waters may be affected and has additional powers within other enforcement regimes to complement the provisions of Part IIA. The duties are specified below:

#### **The Local Authority**

- i) To cause the area to be inspected to identify contaminated land
- ii) To decide, after consultation, what remediation is required in any individual case and to ensure that remediation takes place
- iii) To establish who should be the appropriate person or persons to bear responsibility for the remediation of such land
- iv) To record information about regulatory activity and make it available to the public.

#### **The Environment Agency**

- i) To assist the Local Authority in identifying contaminated land, particularly if the pollution of controlled waters is involved
- ii) To provide site specific guidance to local authorities
- iii) To act as the enforcing authority on any site identified as a 'special site'
- iv) To publish periodic reports on contaminated land
- v) To carry out technical research and, in conjunction with DEFRA, publish scientific advice.

The Environment Agency is the primary enforcement authority in respect of the disposal of waste, discharge to and pollution of

controlled waters and more complex industrial processes regulated under the Environmental Permitting (England and Wales) Regulations 2007. Under these regulations the Environment Agency has the power to prevent further contamination of land and to secure remediation of and existing contamination.

## 2.4 The definition of contaminated land and pollutant linkage

'Contaminated land' has a specific legal meaning under section 78A(2) of part IIA of the EPA. The definition is given in figure 2 below.

Any land which appears to the local authority in whose area it is situated, to be in such a condition, by reason of substances in, on or under the land that –
Significant harm is being caused, or there is a significant possibility of such harm being caused; or Pollution of controlled waters is being, or is likely to be caused.
For land to be considered 'contaminated' the local authority must establish that each of the following exists, forming a pollutant linkage:  a contaminant a relevant receptor a pathway by which means either:  that the contaminant is causing significant harm to that receptor, or there is a significant possibility of such harm being caused by that contaminant to that receptor

Figure 2 Definition of contaminated land

## 2.5 The definition of harm.

The above definition includes the term 'significant harm'. The EPA does not include a specific definition for this phrase but does define 'harm' in section 78A(4). The definitions are included in figure 3 below.

'Harm to the health of living organisms or other interference with the ecological systems of which they form a part and, in the case of man, includes harm to his property. (HMSO)
The definition of significant is given in the Compact Oxford Dictionary as '1) extensive or important enough to merit attention. 2) having an unstated meaning; indicative of something.' (Oxford University Press)

Figure 3 Definition of the terms harm and significant

Further clarification on the meaning of significant harm and the significant possibility of significant harm in terms of human health was given in Annex 3 to circular 01/2006. These extracts are included in figure 4.

‘Significant harm to human health includes death, disease, serious injury, genetic mutation, birth defects or impairment of reproductive functions. In this context disease means an unhealthy condition of the body or a part of it and can include for example cancer, liver dysfunction or extensive skin ailments.’

‘Significant Possibility of Significant Harm (SPOSH) in relation to toxic effects on human health, would exist if the amount of the pollutant to which a person might be exposed would represent an “unacceptable” intake or “unacceptable” direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant.’

**Figure 4 The definition of significant harm and SPOSH**

The guidance does not explain what significant/unacceptable means but instead relies on local authorities using a risk based approach to determine if SPOSH applies.

Further guidance on what would constitute significant harm or SPOSH in relation to non toxic effects on humans, property and the environment were provided in tables A and B of circular 01/2006 (Environmental Protection Act 1990: Part 2A Contaminated Land).

In practice SPOSH must be interpreted on a site specific basis and takes into account the probability or frequency of the occurrence or circumstances that would lead to significant harm being caused. The following factors apply:

- i) The nature and degree of possible harm
- ii) The susceptibility of receptors to such harm
- iii) The timescale within which the harm might occur.

## **2.6 Addition of radioactivity to the part IIA regime**

In its original form, Part IIA did not include the consideration of radioactive materials; however, in July 2005 the contaminated land regime was expanded to include radioactive contamination. This change was implemented by the Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005, coming into force in January 2006. Only the possible exposure of humans is considered and if land is determined to be contaminated within the meaning of the

act it will be dealt with by the Environment Agency as a special site.

## 2.7 Risk assessment

The determination of significant contamination is based on the use of a risk assessment. Risk is defined as a combination of:

- i) the probability, or frequency, of the occurrence of a defined hazard
- ii) the magnitude of the consequences.

A contaminant can only pose a risk to a receptor if there is a route for the receptor to be exposed to the source of the contaminant. This is known as a contaminant pathway.

If a source, pathway and receptor are present it is possible to establish that a pollutant linkage exists.



Figure 5 Example of a pollutant linkage

If any one of the three elements is missing a pollutant linkage can not be established and the land could not be defined as contaminated under part IIA as there would be no exposure and hence no risk.

The source of a particular substance will depend on the past uses of the site, the nature of the substance and the geology of the site. This can vary significantly depending on circumstances. Clearly there can be multiple sources and multiple contaminants on a given site.

The receptor is defined under part IIA and can include people, buildings, land, and controlled waters. The receptor will depend on the current use of the land under investigation or the adjacent sites. If groundwater impacted by the contamination is used for irrigation or drinking water the receptor could be a significant distance from the source of the contamination.

The pathway is the means by which the source of contamination may come into contact with the receptor. Figure 6 below illustrates a number of common pathways.

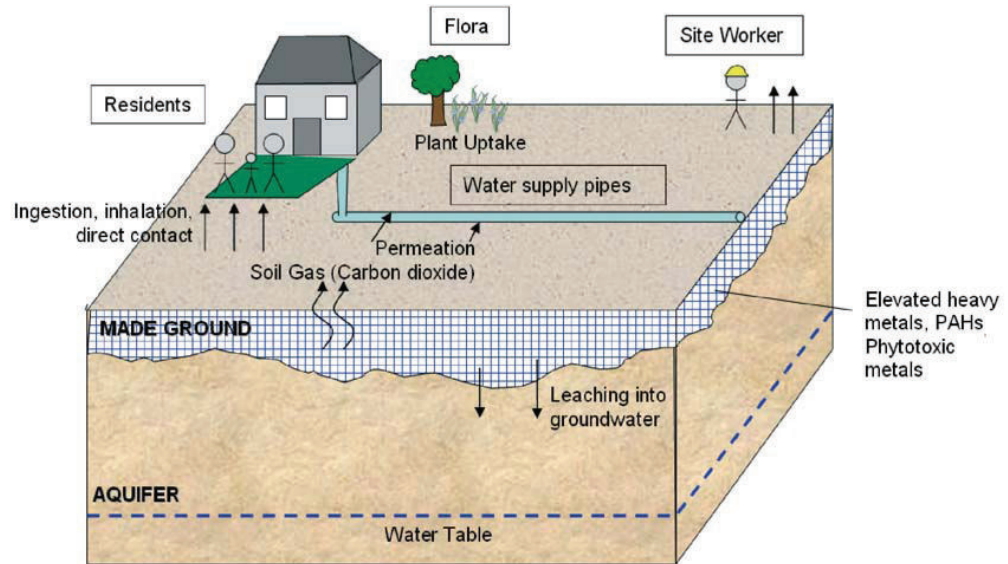


Figure 6 Examples of common pathways

More than one pollutant linkage may exist for any site and each contaminant may have multiple linkages to different receptors. Each and every linkage must be reviewed for the potential to cause harm.

## 3.0 Characteristics of the administrative area

### 3.1 General

Wiltshire is a diverse and largely rural council with a population of 448,700 (mid year pop' estimates 2006) and a land area of 325,533 Hectares. Wiltshire borders the countries of Hampshire, Dorset, Somerset, Gloucestershire, Oxfordshire, and Berkshire. The unitary authority of Swindon abuts Wiltshire to the North East.

Wiltshire is roughly rectangular in shape and extends to about 73 km from north to south and 53 km from east to west. The administrative headquarter of Wiltshire is situated in Trowbridge.

Population density varies significantly over the council area with areas such as Salisbury plain having very low occupancy.

There are many small settlements and town's across Wiltshire but the largest urban concentrations are in Salisbury, Trowbridge, Devizes, Chippenham, Malmesbury, Markham, Warminster and Westbury.

The administrative centre of Wiltshire is Trowbridge with other key towns being Salisbury to the South, Warminster, Westbury, Trowbridge, Melksham, Devizes, Bradford on Avon, Chippenham and Malmesbury to the North. The approximate address densities are given in figure 7.

The administration of the district is split into a number of area boards shown in figure 8.

There is a significant commercial and industrial presence in Wiltshire, predominantly focussed around the large towns. There are circa 180 permitted processes administered under the Environmental Permitting Regulations comprising of 14 A1 and 167 part B Processes.

The type and number of permitted processes can vary. Current details are available on the Wiltshire Council Website

[http://www.wiltshire.gov.uk/wiltshire\\_council\\_ppc\\_register\\_-\\_sept\\_09.pdf](http://www.wiltshire.gov.uk/wiltshire_council_ppc_register_-_sept_09.pdf)).



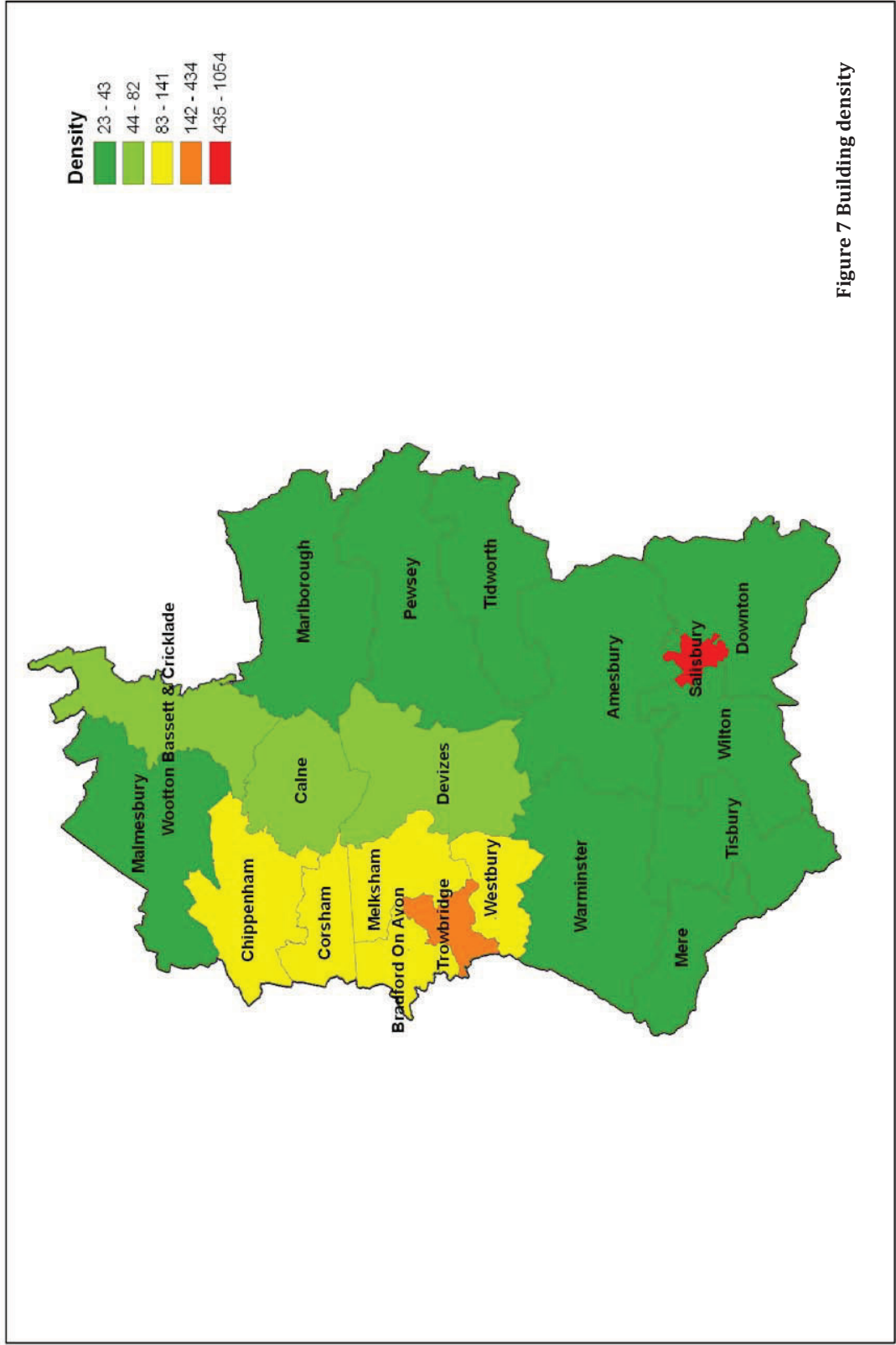


Figure 7 Building density

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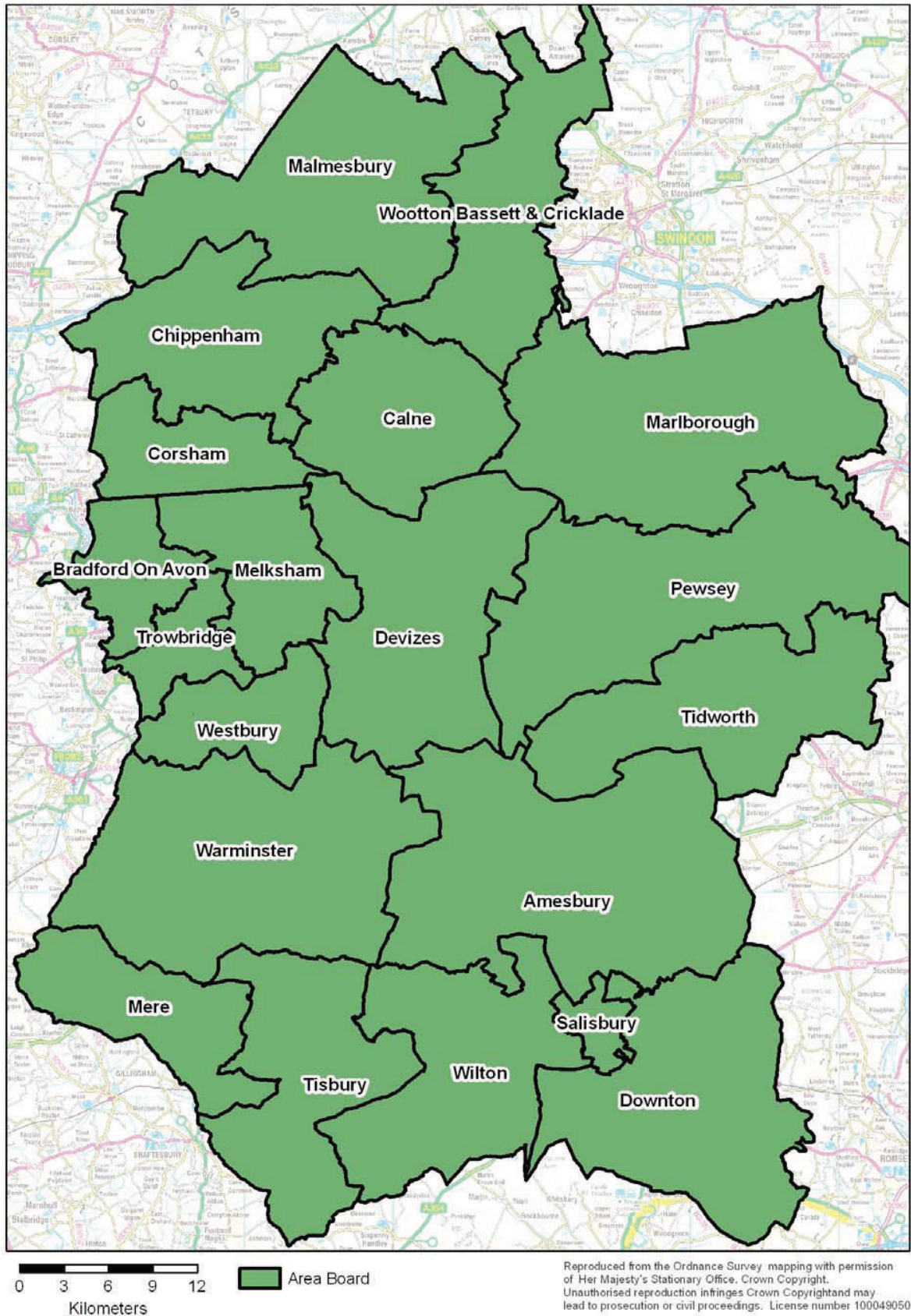


Figure 8 Map showing Area Board Locations

## 3.2 Industrial history

Wiltshire Council is made up of four former authorities, these being North Wiltshire District Council, Kennet District Council, West Wiltshire District Council and Salisbury. These are incorporated as four hubs, North, South, East and West. A map showing the hubs location is included in Figure 9 and a summary of historical development is included for each hub.

### North hub

Historically, the market towns of Chippenham, Calne and Corsham were home to the flourishing woollen industry, however by the mid 19<sup>th</sup> century the industry was practically dead.

The advent of the Great Western Railway to Chippenham in 1841 could be said to be the most significant event in the development of the town, bringing extensive new industries, and new housing to accommodate the workers.

The major industry in Chippenham was the Westinghouse Brake and Signal Co, although this has now been replaced by light industry and commercial services.

Calne was a town in decline by the 1840's, with the cloth industry all but gone and diminishing market returns. Its fortunes were revived by the establishment of industrial-scale bacon curing in the town by the Harris family. This industry was to dominate the town's economy for over 150 years.

The town of Corsham and the surrounding locality has a long history of using the local limestone as a building material.

The stone industry boomed in the 19<sup>th</sup> Century through to mid 20<sup>th</sup> Century.

Dairy processing also prevailed in the area in the early to mid 19<sup>th</sup> Century.

### Current industry

North Wiltshire is home to a wide range of industrial operations ranging from large scale production, to miscellaneous light industries including the manufacture of; food, timber furniture, agricultural feeds, light engineering products, and provision of automotive services.

North Wiltshire retains a strong connection with defence establishments particularly RAF Lyneham.

## **East hub**

This area has relatively little industry. Small engineering workshops are distributed through the district to facilitate the agricultural infrastructure.

Historically, the market towns of Devizes and Marlborough were once home to Tanneries and Foundries, both associated with the regions agricultural heritage.

Breweries also used to abound in the towns with only the impressive Victorian home of Wadworths of Devizes, Bunces brewery in Netheravon and the Ramsbury brewery still in operation today.

## **West hub**

The early development of the west hub towns of Bradford on Avon, Trowbridge, Melksham and to a lesser extent Westbury was considerably influenced by the manufacture of woollen and worsted goods and the associated dyeing industries.

The woollen mills were note worthy as early users of steam powered machinery, in order to remain competitive with towns in other districts using water power to aid production. Associated with the woollen industry, the tanning of hides has also been practised at various locations throughout the west hub.

Upon the contraction of the woollen industry circa 1900 numerous of the former woollen mills were converted to other industrial uses, notably to service the emergent rubber industry, with rubber manufacturing centres growing up in Bradford on Avon and Melksham.

The town of Bradford an Avon and the surrounding locality has a long history of using the local lime stone as a building material, the stone being won from underground stone mines, some of which have been reused, notably during wartime for munitions stores and manufacturing facilities, and latterly for archive storage.

Westbury is noteworthy, as being partially situated on a strata of Jurassic iron stone and being actively involved in the production of pig iron and iron products in the period circa 1860s to 1930s. Locally won ironstone was used with coal brought from the Westbury Ironwork's collieries at Newbury and Vobster within the Somerset coal field.

Warminster has no particular industrial history existing chiefly as an agricultural market town. The town has had strong links to the British Army for a protracted period and the adjacent upland areas on the flanks of Salisbury Plain have a long history of being used for military encampments, training and firing grounds. The mechanisation of the army and weaponry has brought with it maintenance facilities for

weapons and vehicles, with the consequential associated land contamination issues.

All of the west hub area has been subject to the increasing intensity of resource usage in the period of since the Industrial Revolution with railway land, fuel storage (coal, oil and petrol), small landfill sites and scrap yards being located throughout the district.

The manufacture of town gas for lighting has been carried out at each of the five towns from the early 19<sup>th</sup> century for domestic consumption and for the woollen industry. The larger woollen mills have the potential to have had their own dedicated production plant for lighting purposes.

### **Current industry**

The west hub is home to a wide range of industrial operations ranging from large scale cement manufacture, the large scale production of rubber goods (notably tyres), to miscellaneous light industries including the manufacture of; food, timber furniture, agricultural feeds, light engineering products, and provision of automotive services. The range of premises employed encompasses structures from purpose built industrial units to converted military bases and former woollen mills.

There remains a strong connection with the British Army and is home to numerous barracks, military vehicle maintenance facilities and firing ranges.

### **South hub**

Historically, Salisbury District's two main industries have been farming and textiles.

In the 17<sup>th</sup> and 18<sup>th</sup> Centuries the Salisbury area had a flourishing textile industry, but by the 19<sup>th</sup> Century little was left of it despite a general growth in Wiltshire and a move to steam power. Most of the factories were by that time based in the North and West of the County, mainly in Trowbridge, Westbury, Bradford on Avon and Calne.

Most of the railway and motor car related industry that developed in modern times missed Salisbury, although the small manufacturing company Scout of Salisbury made cars early in the 20<sup>th</sup> Century, and then motor coaches.

A tannery existed in the village of Downton for about 400 years.

In the late 19<sup>th</sup> and early to mid 20<sup>th</sup> Centuries a major area of growth was in the activities of the armed forces to the North of the District, including the Porton Down facility, which historically researched chemical and biological weapons, RAF Chilmark and Boscombe Down airfield.



Figure 9 Four hubs in Wiltshire

### 3.3 MoD activities

Wiltshire is home to a wide range of military bases and associated research establishments which make a valuable contribution to the local economy. The presence of the MOD is concentrated around Salisbury Plain. The Salisbury Plain training area extends over 38,000 hectares, about a 1/9th of Wiltshire. Much of the land is designated as a Site of Special Scientific Interest (SSSI) and is let to farmers or grazed under licence. The strong military presence also creates opportunities for local businesses, many of whom benefit from contracts awarded to fulfil the need for services and products of personnel and estates. There are almost thirty different establishments in the area that provides a home base for some 10,000 soldiers increasing to 12,500 by 2012.

The military infrastructure in Wiltshire includes:

- RAF Lyneham - Currently the RAF's centre of excellence for tactical transport, RAF Lyneham has been the subject of a strategic review and will become surplus to requirements post 2012. However, the government has recently announced that Lyneham will not now become the main operating base for the medium and heavy lift helicopter fleets.
- Tidworth - A new super-garrison is proposed at Tidworth, which will bring a large number of new troops to the area. This will increase the amount of disposable income in the area and the multiplier effect of this will benefit the county and local businesses. A super garrison will also mean building contracts, and various other contract opportunities for local businesses;
- Azimghur Barrack, Colerne - The home of the 21 Signal Regiment, its role is to provide communications for the RAF Support Helicopter Force;
- Basil Hill Barracks development, Corsham - The headquarters for communication and information services for sites across the world, MoD Corsham is currently spread over 4 sites- Basil Hill, Copenacre, Hawthorn and Rudloe;
- Kemble Airfield - Located in the very north of the District, this former military site is now used as a private airfield;
- Hullavington Airfield - Home to Royal Logistics Corps (Army), this airfield also has a private flying training school onsite, while some of the hangars are allocated for business use;
- Army Training Estate - Salisbury Plain - A unique location that provides training for some aspects of military operations, particularly armoured vehicles, which are not available elsewhere in the UK. ATE SP is the

UK's largest training area and incorporates Larkhill and Westdown artillery impact areas, and Warminster live firing area, of particular training benefit for armoured vehicles, artillery, engineers, infantry and aircraft. The newest facility is the 'village' on Copehill Down used to train for operations in built-up areas;

- Military garrisons at Bulford and Warminster; and
- HQ Land Command based at Erskine Barracks in Wilton, and HQ Adjutant General, based at Upavon on the Salisbury Plain merged on 1st April 2008 to form the new HQ Land Forces. This combined HQ will be relocating to Andover in around 2010, with a reduction of around 240 civilian and 100 military posts. The Wilton site is expected to be released after the withdrawal of the personnel.

Potential options for the re-use of the site are being discussed, with the creation of a mixed use site with around 3-4ha of employment land and about 600 houses emerging as a likely option. The Upavon site is being retained as part of the military estate and will be used as a station in the Salisbury Plain Super Garrison

### **3.4 Geology.**

Wiltshire Council encompasses a large geographic area and consequently has a varied geology, and hydro geology. For simplicity the area will be considered using the four hubs.

#### **North hub**

The character and appearance of much of the landscape in the north hub are dominated by sedimentary rocks of the Jurassic period. Upper Jurassic clays and limestone from the Great Oolite series underlie the bulk of the region. The main exception to this is at the East side of the District where Jurassic Clays give way to Upper Cretaceous Gault, Upper Greensand and Chalk.

#### **East hub**

The character and appearance of much of the landscape in the former Kennet area is dominated by sedimentary rocks of the Cretaceous period. Chalk and Greensand rocks of this period underlie much of the district and are aligned as broad blocks or bands extending east west with the Vale of Pewsey dividing the two.

The main exception to this is at the western end of the District where the Upper and Lower Greensand give way to Jurassic clays and grits to create a distinct clay lowland landscape.



## **West hub**

Sedimentary units of the Jurassic, Cretaceous and Tertiary ages comprise the solid geological strata outcropping in the West Wiltshire area. These units dip gently towards the east and south. In the north of the district, a broad vale comprised of the steep escarpment of Cretaceous chalk in the east, with the Salisbury Plain uplands beyond. A low lying central vale of Jurassic Oxford clays and Cretaceous Greensands with Jurassic Oolitic limestone hills forming the North West.

In the south of the district the Cretaceous Chalk and Greensand units predominate in a series of rolling chalk uplands.

## **South hub**

In simplified terms, the District is mainly Upper Chalk, with Jurassic and Lower Cretaceous deposits to the West of Salisbury and Tertiary deposits to the East and South.

The Northern part of the District is dominated by Upper Chalk, with the river valleys of the Ebbles, Woodfords, Wylle, Bourne and Nadder having narrow bands of Alluvium within areas of Valley Gravel, and occasionally some Middle Chalk. The Nadder valley broadens out to the West to include the Jurassic areas of Upper Portland (limestone), Middle Purbeck (marl and limestone) and Lower Purbeck (marl and oolite) and Cretaceous Lower Chalk.

The Ebbles valley broadens out similarly to the West to include areas of Middle and Lower Chalk on its Southern edge.

The river valleys converge on Salisbury, the Avon valley continuing south. The City itself sits largely on Alluvium, Brickearth or Valley Gravel but parts are on Upper Chalk.

Between the Wylle and Nadder valleys is a ridge of high ground (the Great Ridge) which presents itself as an outcrop of Clay with Flints.

There is an area to the South East of Salisbury showing plateau gravels surrounded by Bagshot Beds, then London Clay. This area is ringed by a narrow band of Reading Beds.

To the South of Salisbury, there is still a great deal of Upper Chalk, but this gives way to London Clay and Bagshot Sands. To the North East, the Whiteparish Landfill site on the A36 is on Upper Chalk, but Tertiary sands and clays appear about a kilometre to the South, with Whiteparish itself being on Tertiary deposits.

Summary maps of the bedrock and sedimentary geology of Wiltshire are included below as figures 10 and 11 respectively.

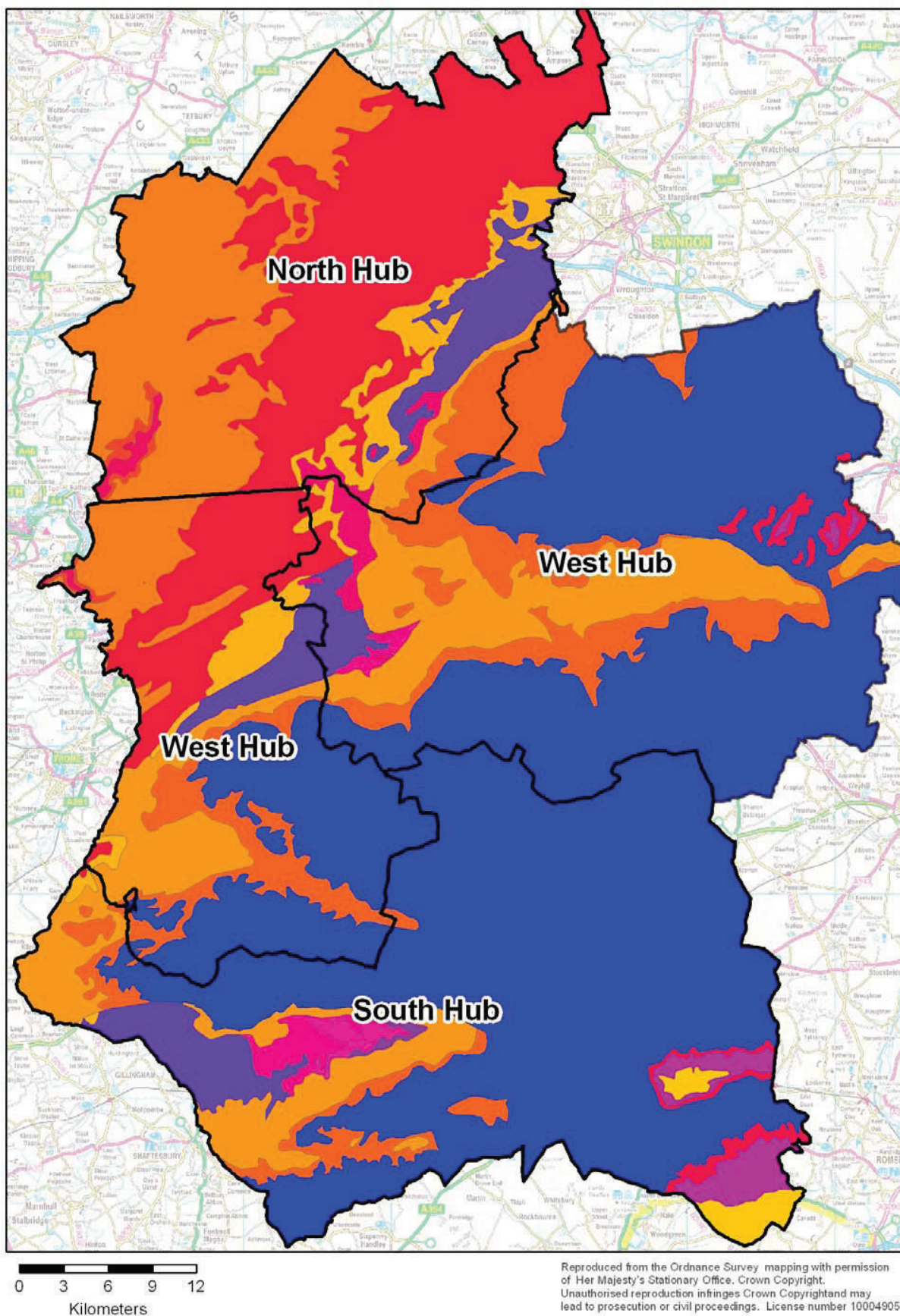


















Figure 10 Bedrock geology 1:625,000 source BGS

## Key to Bedrock Geology

	BRACKLESHAM GROUP AND BARTON GROUP (UNDIFFERENTIATED)
	CORALLIAN GROUP
	GAULT FORMATION AND UPPER GREENSAND FORMATION (UNDIFFERENTIATED)
	GREAT OOLITE GROUP
	GREY CHALK SUBGROUP
	INFERIOR OOLITE GROUP
	KELLAWAYS FORMATION AND OXFORD CLAY FORMATION (UNDIFFERENTIATED)
	LAMBETH GROUP
	LIAS GROUP
	LOWER GREENSAND GROUP
	PORTLAND GROUP
	PURBECK LIMESTONE GROUP
	THAMES GROUP
	WEALDEN GROUP
	WEST WALTON FORMATION, AMPTHILL CLAY FORMATION AND KIMMERIDGE CLAY FORMATION (UNDIFFERENTIATED)
	WHITE CHALK SUBGROUP

Key to bedrock geology

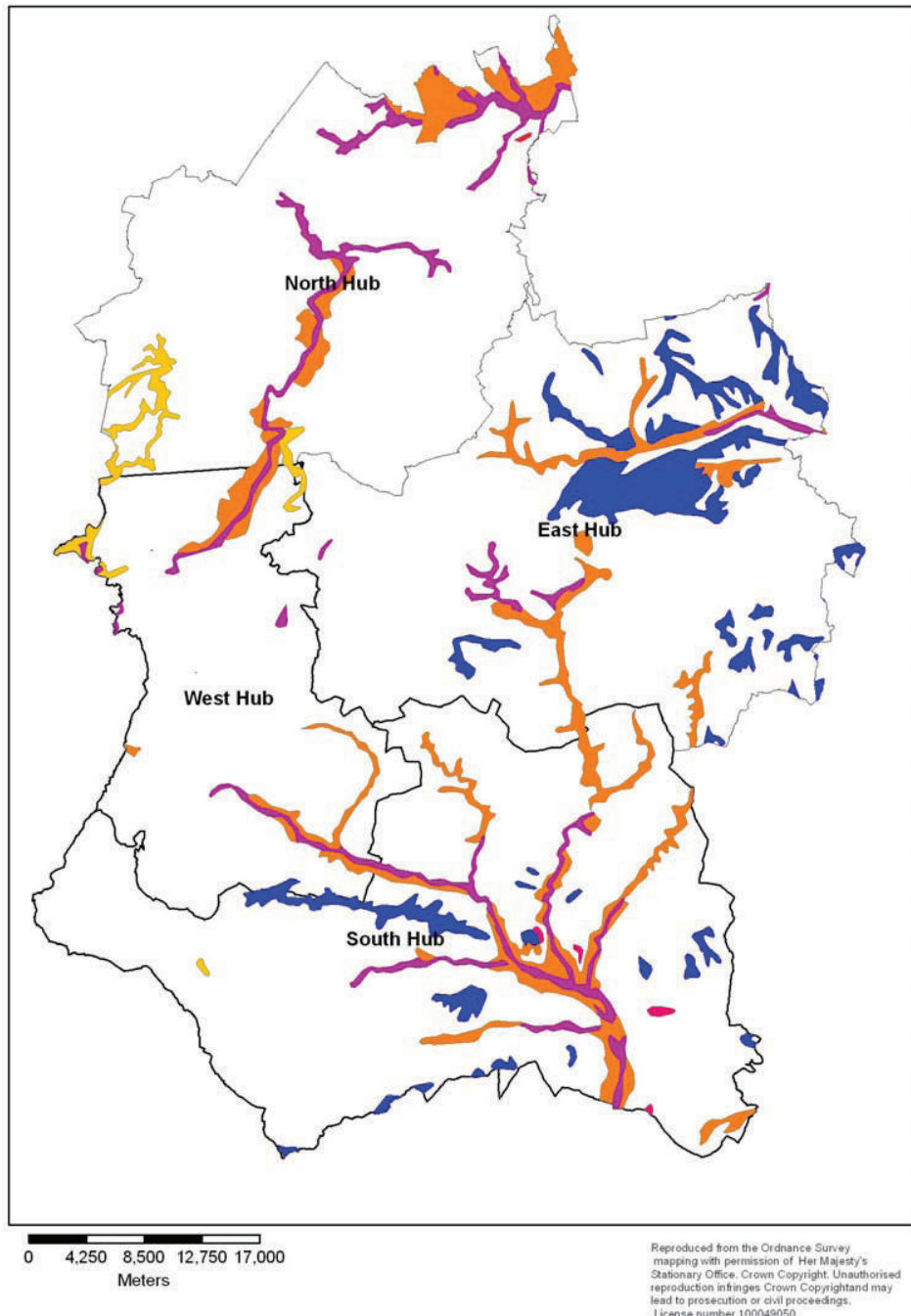


Figure 11 Superficial deposits 1:625,000 source BGS

- ALLUVIUM
- CLAY-WITH-FLINTS
- LANDSLIP
- RIVER TERRACE DEPOSITS (UNDIFFERENTIATED)
- SAND AND GRAVEL OF UNCERTAIN AGE AND ORIGIN
- TILL

### **3.5 Hydro geology.**

Geological strata which contain groundwater in exploitable quantities are termed aquifers. All ground waters are controlled waters, but it is convenient to subdivide permeable strata into two types; highly permeable (major aquifers) and variably permeable (minor aquifers). Non-aquifers have negligible permeability.

A large part of Wiltshire is a major aquifer of high vulnerability, with soil classes generally of high or intermediate leaching potential. Significant amounts of water are extracted for domestic, industrial and military use, particularly in the southern half of the county, meaning that ground contamination can have a significant impact on water quality.

The Environment Agency has recently released a document entitled GP3 - Groundwater Protection Policy and Practice. This document contains details of new definitions of what were previously referred to as major and minor aquifers. Major aquifers are now called Primary aquifers and minor aquifers and now called Secondary aquifers. Non aquifers and now called Unproductive strata. Further information is available via the following link: <http://www.environment-agency.gov.uk/homeandleisure/117020.aspx>

#### **North hub**

The hydrological characteristics of the area are mainly comprised of a combination of minor aquifers and non-aquifers.

Major aquifers are present to the Eastern and Western extremes of the District, associated with Upper cretaceous deposits and Great Oolite limestone respectively.

As well as having several public water supply abstraction points in the hub there are also 46 private water supplies which are tested when required.

#### **East hub**

Several watercourses cross the Area, defining two water catchment areas. The River Kennet dissects the chalkland landscape in the north part of the District, running eastward through Marlborough, with the tributary river Og flowing down through the chalk from the north.

Salisbury Plain is dissected on a north-south axis by the rivers Avon and Bourne, which flow southward from the Vale of Pewsey through the chalk block of the plain.

From sampling carried out by the Environment Agency, the river quality of the Bourne and the Avon is predominantly categorised as 'very

good' and the quality of the Kennet and the Og as 'good'. Maintaining these high standards of river quality through protection from contamination is a major objective of the inspection strategy.

The Environment Agency Groundwater Vulnerability maps for the Kennet district (numbers 37, 38, 43 and 44) classify almost the entire district as a major aquifer of high vulnerability. The exceptions are the Jurassic clay areas to the west of the district, which are non-aquifers. There are approximately 260 private water supplies located within the hub area. Reference will be made to the location of these when assessing the potential influence of land contamination.

### **West hub**

The hydrological characteristics of the west hub are comprised of a combination of major aquifers and non-aquifers with superimposed minor aquifers present in the drift strata.

Major aquifers of regional importance are present in the form of Cretaceous Chalk and Greensand units present in the east and south of the district, and within the Jurassic Oolitic lime stone present in the north and western areas. The central vale is formed of Oxford and Forest Marble clays, which are considered to be predominantly aquitards.

Minor aquifers are present in the tertiary drift strata associated with the surface water courses and within outcrops of Jurassic Corralian limestone strata outcropping in the northern and western areas of the district.

### **South hub**

The Environment Agency's groundwater vulnerability map no. 44 classifies almost the entire district as a major aquifer of high vulnerability, with soil classes generally of high or intermediate leaching potential.

Salisbury itself sits on a highly permeable major aquifer, soil leaching class high.

An area of non aquifer extends eastwards from Alderbury in a band 2-3 km wide, and another stretches west of Dinton. There is a similar band east of Redlynch, with a narrow band of minor aquifer to the north and a much larger area of minor aquifer to the south, stretching to the coast.

There are nineteen water abstraction sources within the south hub area with designated source protection zones.

Figures 12 and 13 show an extract from the Environment Agency data showing aquifer classification and river catchment areas.

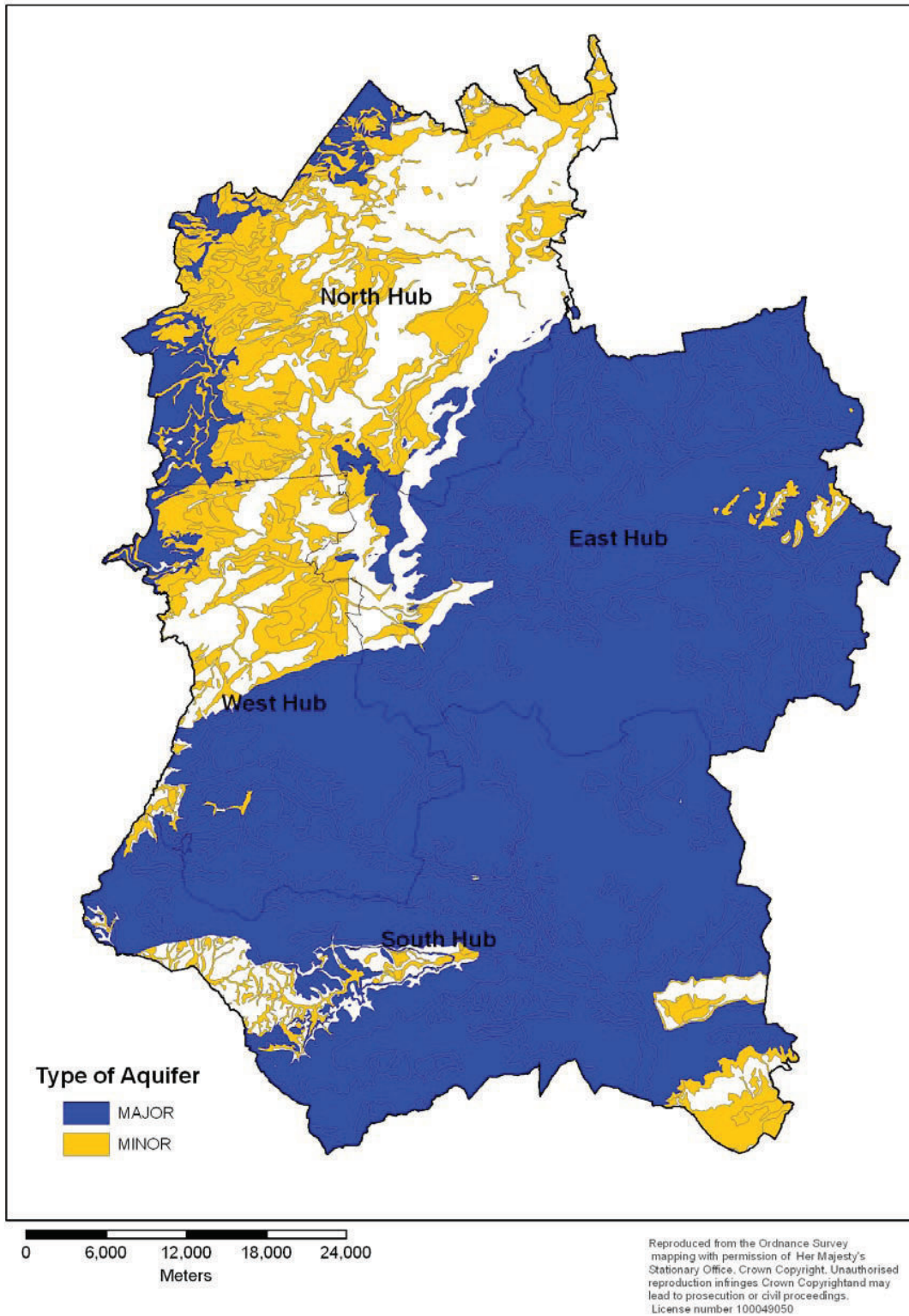
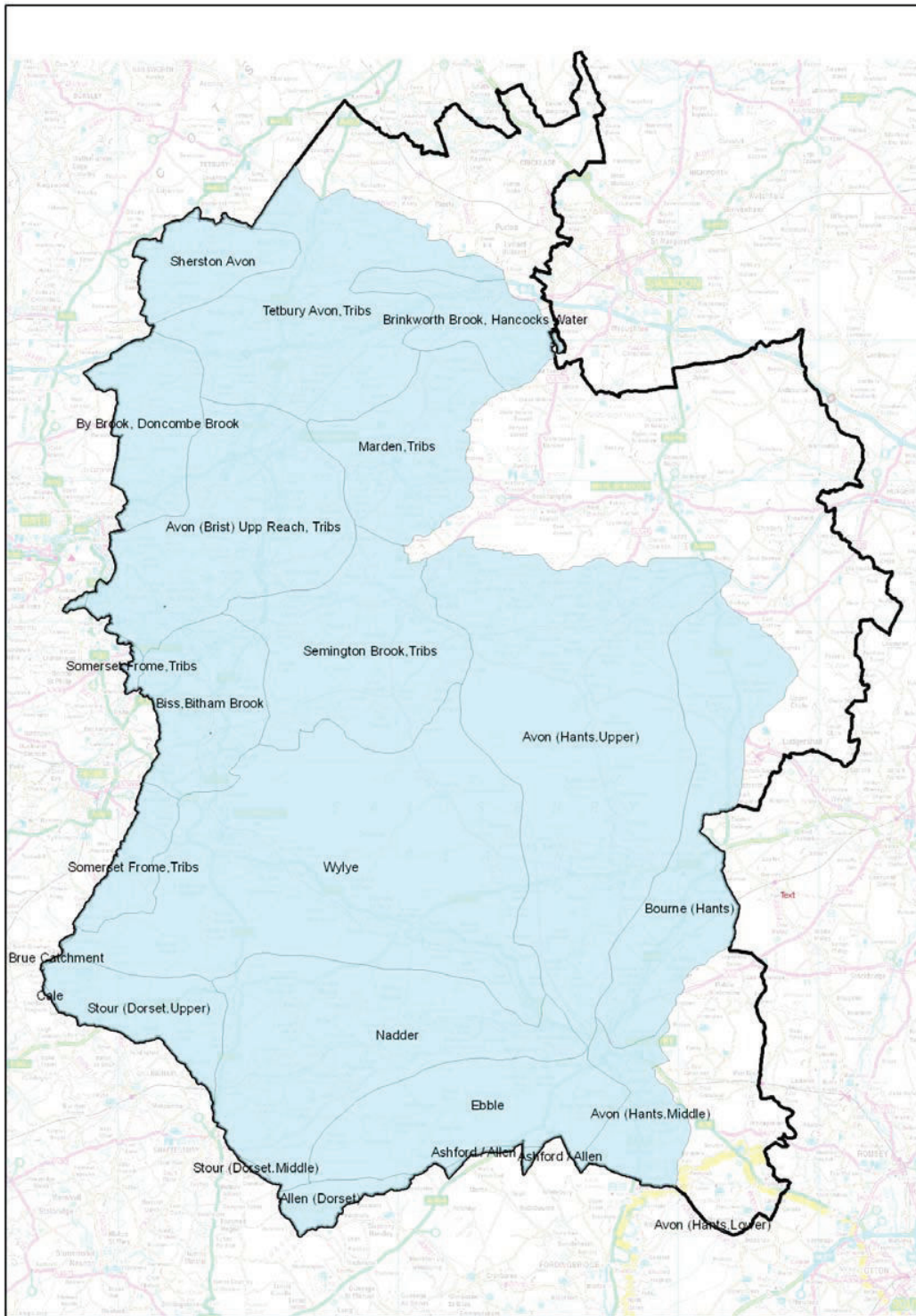


Figure 12 Aquifer protection zone



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Figure 13 Map showing river catchments



The nature of the geology across Wiltshire makes it suitable for large scale water extraction. There are several hundred water abstraction sources and private water supplies across Wiltshire. The approximate distribution of these water sources is shown in figure 14.

The exact number of sources and supplies are currently under review.

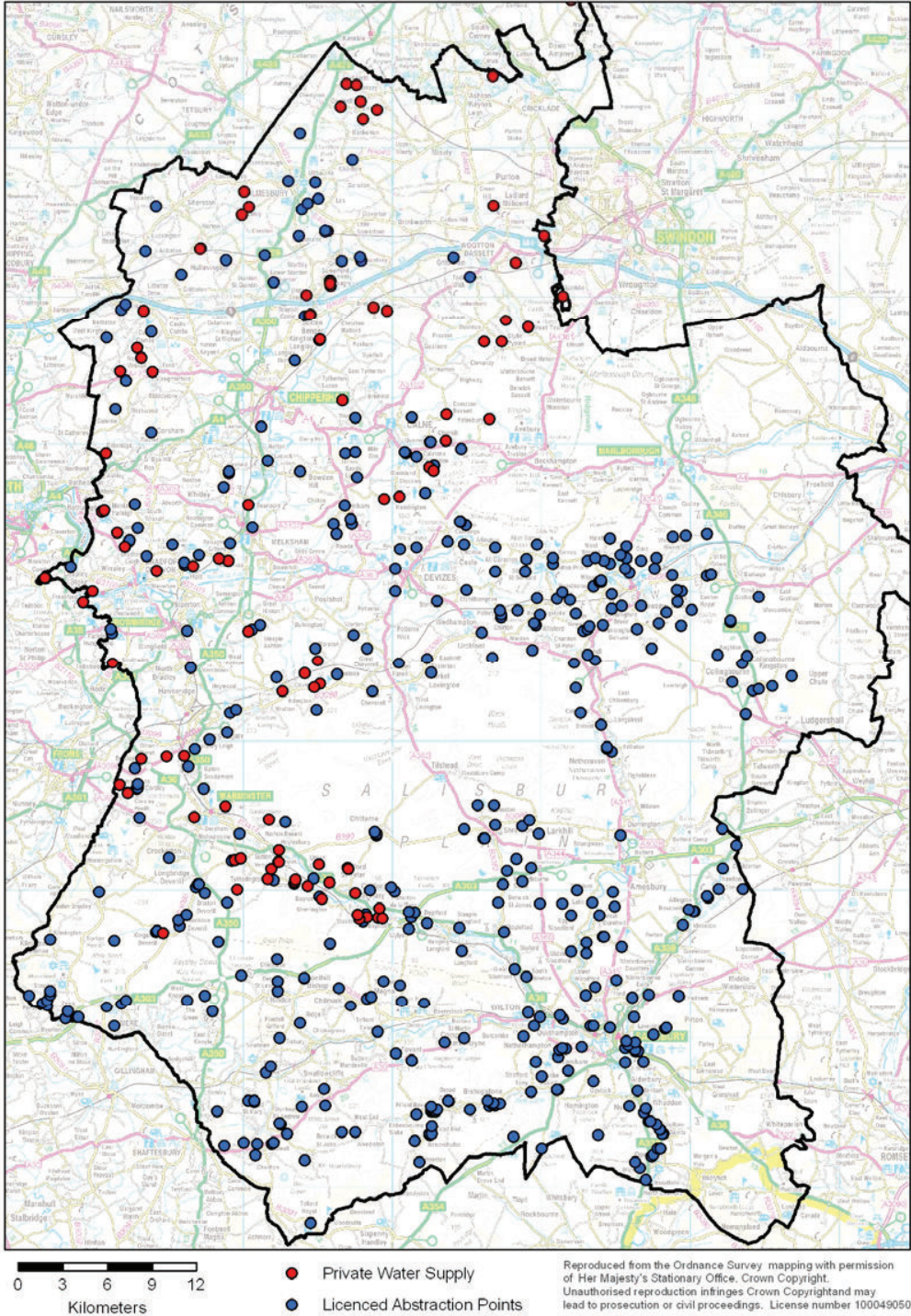
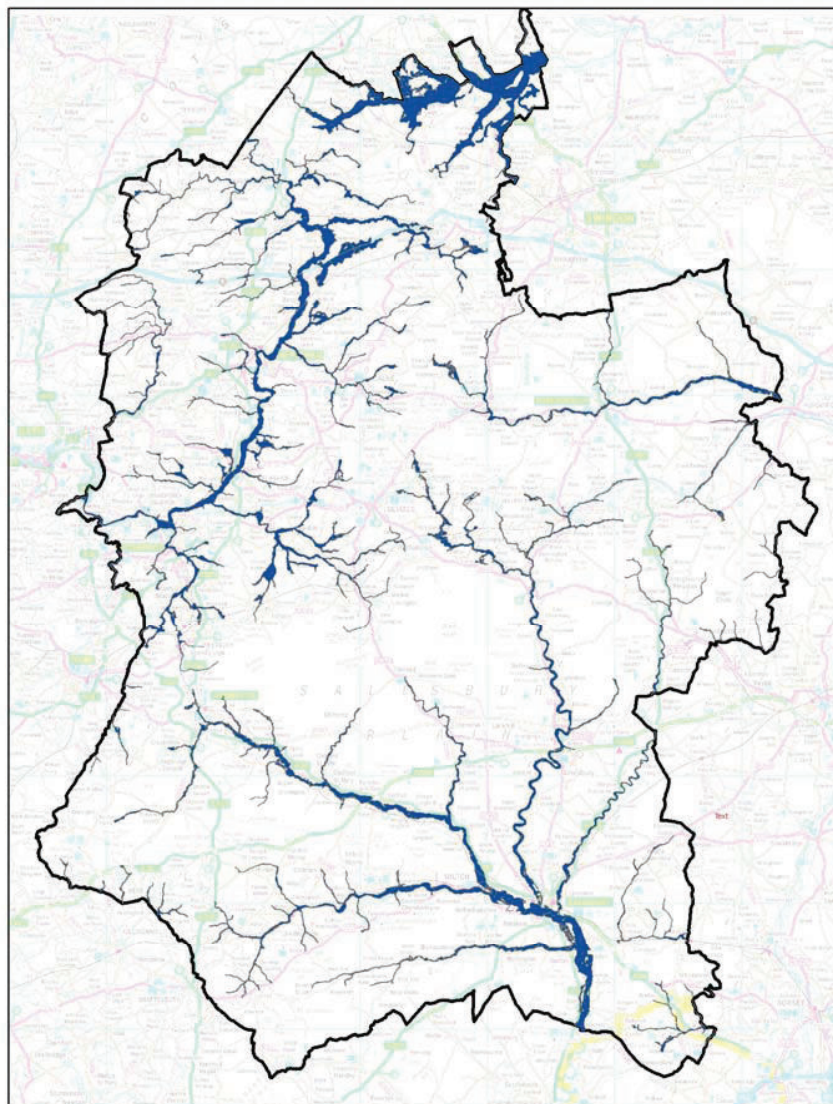


Figure 14 Water abstraction in Wiltshire

### 3.6 Flooding

Certain Localities in Wiltshire are at risk from flooding. Development has encroached onto the historic flood plain meaning that there are approx 7500 residential and commercial premises at risk from flooding. A number of transport routes are also affected. Figure 15 below shows the areas of Wiltshire included in the predictive flood maps provided by the Environment Agency.



 Cat. 2 Flood Zone

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**Figure 15 Maps of Wiltshire showing areas in flood zone 2**

### **3.7 Biodiversity, geodiversity, land use and historic environment.**

Wiltshire contains a wealth of archaeological and architectural treasures, including the combined World Heritage sites of Stonehenge and Avebury, Salisbury Cathedral, and more recent industrial features such as the Box railway tunnel, and the Kennet and Avon Canal. The County contains nearly 20,000 archaeological sites ranging from the prehistoric through to roman to medieval times.

Wiltshire also has one of England's 43 battlefields, the civil war battlefield at Roundway Down. There are also approximately 14,000 listed buildings, 37 historic parks and gardens, and more than 250 conservation areas.

The County's landscape is one of national importance. Three Areas of Outstanding Natural Beauty (AONB's) cover 43% of the County and the south tip of the County is included as part of the recently designated New Forest National Park.

Wiltshire is an important area for biodiversity and contains either in full or part, 10 Special Areas of Conservation and 2 Special Protection Areas, these being of European significance. There are 136 Sites of Special Scientific Interest, and 7 National Nature Reserves. (WiSB, 2007). See Figure 16 for an illustration of Environmentally Sensitive Areas.

### **3.8 Land in local authority ownership.**

Wiltshire Council owns an extensive portfolio, distributed across the county area. Property types include, not exclusively:

- shops
- commercial/industrial sites and premises
- car parks
- parks and recreation grounds
- miscellaneous spaces (predominantly play areas).
- council houses (south hub only)
- educational establishments

A comprehensive list of land in which the council has an interest has not yet been considered and the land has not been comprehensively assessed. As a consequence the full extent of possible environmental liabilities are currently unknown.

### 3.9 Ancient Monuments, Listed Buildings and conservation areas

Wiltshire has a rich and varied archaeological heritage including sites and monuments from many different periods. There are approximately 12,000 Listed Buildings, over 1000 Scheduled Monuments, The Stonehenge and Avebury World Heritage Site, 41 historic parks and gardens and one historic battlefield. Figure 17 illustrates the distribution of these sites around Wiltshire.

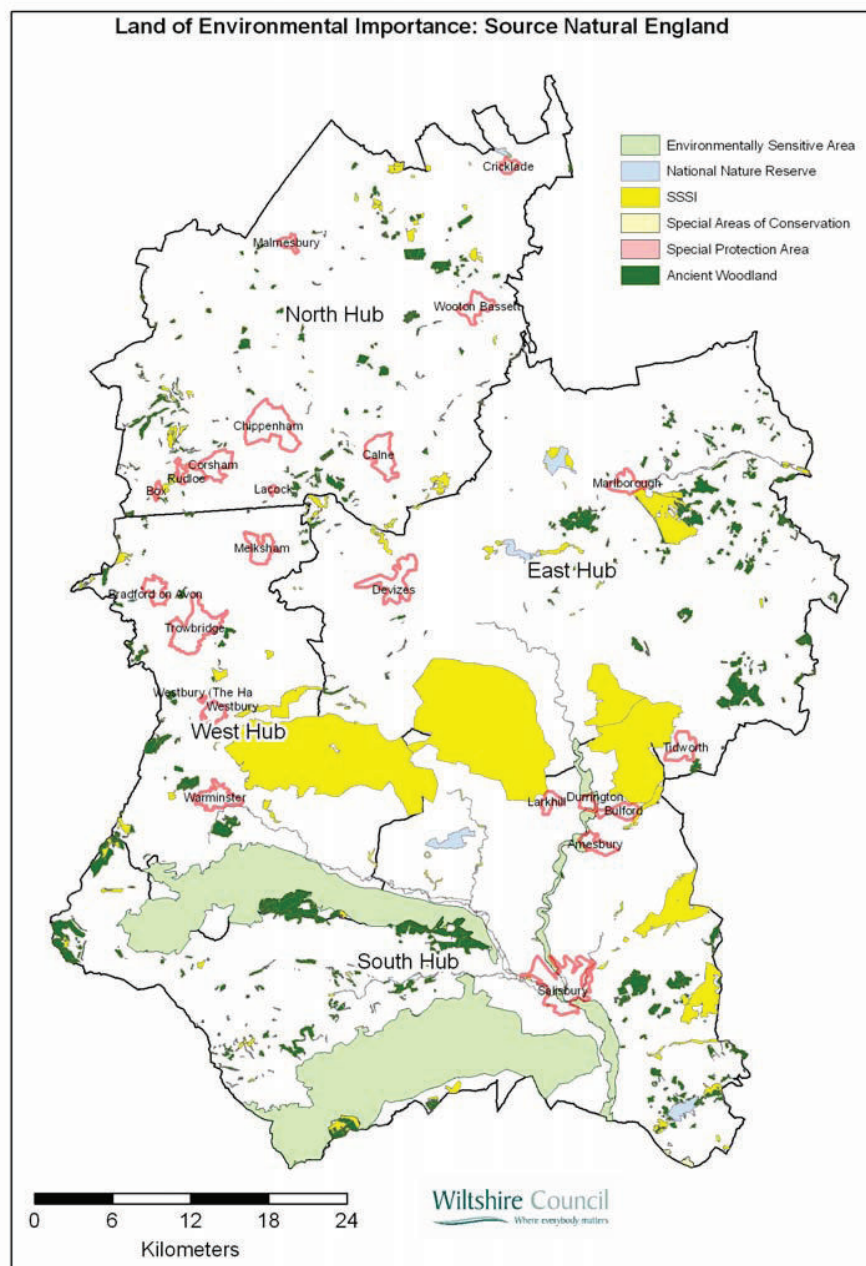


Figure 16 Sensitive environmental areas

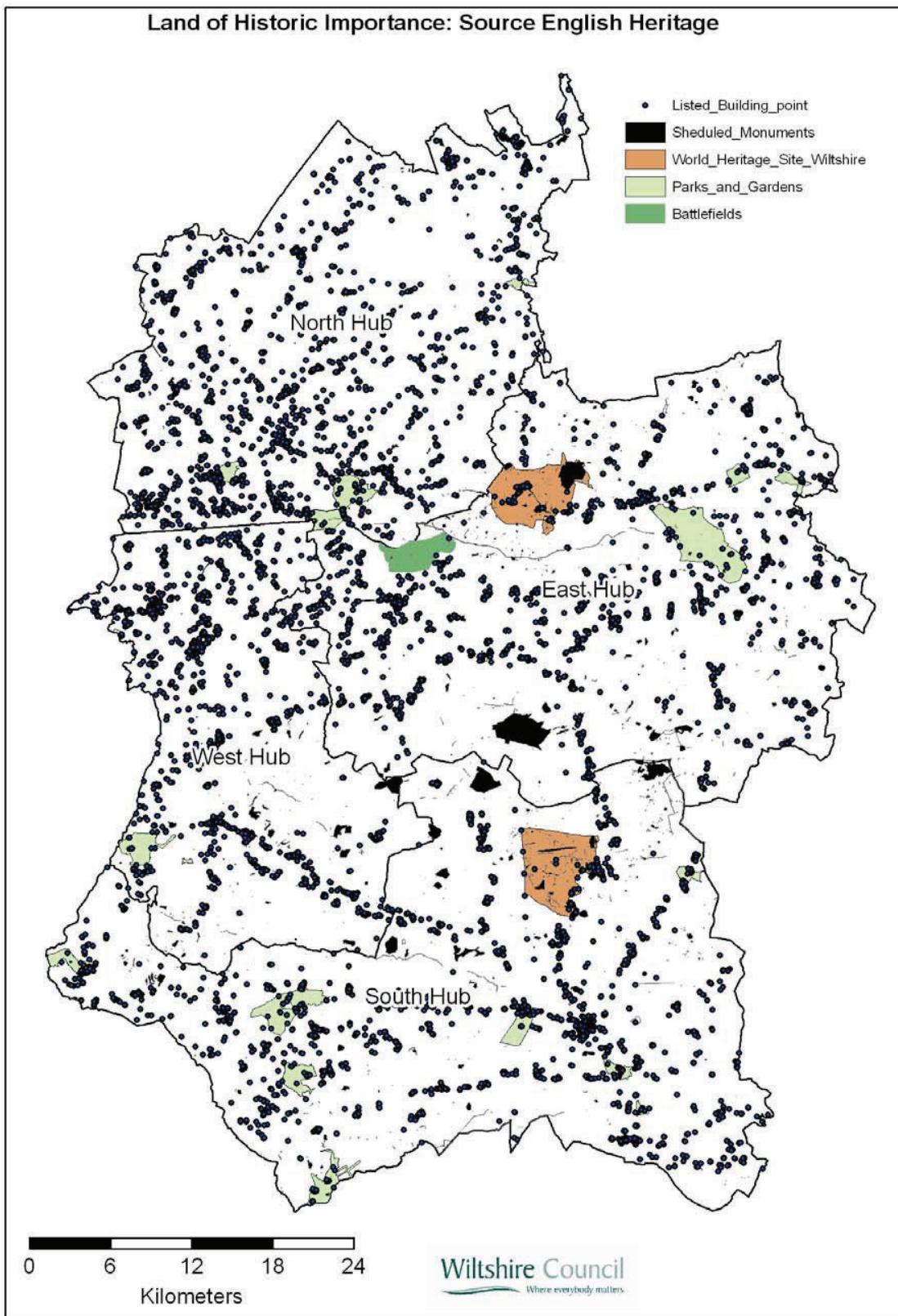


Figure 17 Sites of historic importance

## **4.0 Development of the inspection strategy.**

### **4.1 Progress to date.**

In 2007 the government announced that Wiltshire would become a unitary authority from April 2009. This brought together the existing County Council and the four District Councils of Salisbury, Kennet, North Wiltshire and West Wiltshire to form a new Authority for the whole of Wiltshire.

The four district councils have already made significant progress in identifying sites where they may be possible contamination by gathering and evaluating historical data. This data has been used to identify sites where there may have been land contamination and where this is likely to be of concern.

At present a total of 7 sites of potential concern have been identified following the review of course data and will require further investigation in order to determine if they meet the statutory definition of contaminated land.

Information has been gathered and stored on corporate GIS systems and additional mapping and historical data has been purchased prior to the formation of the Unitary Authority to ensure that the information held across the new authority will be as full and consistent as possible.

### **4.2 Identified sites and sites subject to validated remediation**

The authorities amalgamated to form Wiltshire Council each held databases of land where contamination was known, strongly suspected or in some cases remediated. Some remediation has taken place due to the land owners actions but the majority of remediation was as a result of developments controlled by the planning process.

The existing databases of known and remediated land are incomplete and have not yet been brought together in one data set. This is particularly true of land remediated in compliance with planning conditions over the last decade.

The vast majority of brownfield sites developed since 1998 will not require inspection pursuant to part IIA but it is necessary to compile a list of such sites and confirm that the associated contaminated land conditions were fully complied with at the time of development.

### 4.3 Declared contaminated land in Wiltshire

At present 2 sites have been declared under the provisions of Part IIA and confirmed as special sites.

### 4.4 Objective of the contaminated land strategy

Circular 01/2006 identifies that contaminated land presents a challenge to policy aims of redeveloping Brownfield sites in the UK as a whole. The contaminated land regime is in line with housing and planning policy and the primary reasons for intervention are:

- i) To identify and remove unacceptable risks to human health and the environment.
- ii) To seek to bring contaminated land and brownfield land back into use.
- iii) To ensure that, the cost burdens faced by individuals, companies and society as a whole are proportionate to the actual risks, manageable and sustainable.

The councils objective in remediating contaminated land has already been given in figure 1 and this approach will ensure that the local authority focuses resources on those sites most likely to present a significant risk to human health or the environment.

### 4.5 Key priorities for the contaminated land strategy

Wiltshire Council has three key priorities in tackling contaminated land. These are given in figure 12 below:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>i) To ensure that the council fulfils its statutory duties to identify potentially contaminated land in Wiltshire</li><li>ii) To secure the remediation of sites, including land owned where an unacceptable risk is being caused to human health or the environment</li><li>iii) To secure the remediation of contaminated land through means other than part IIA eg through the planning process or as part of voluntary remediation.</li></ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Figure 18 Key priorities for the contaminated land strategy.**

In order to meet the key priorities a work plan will be devised. In addition it will necessary to produce guidance for land owners and developers who may be affected by contaminated land.

## 4.6 Consultation and liaison

All information on contaminated land and other issues relating to potentially contaminated land will be held within the Wiltshire Council Environmental Protection Specialist Team. All existing information held on databases, paper systems and GIS systems will be correlated and transferred to a single server at the earliest opportunity.

The council will undertake to liaise and establish formal links with all statutory consultees named in government guidance. Appropriate liaison and communication systems will be set up within the Local Authority to ensure that relevant information is shared and that effective communication takes place.

The list of those consulted will include, not exclusively:

External	
	The Environment Agency English Nature Food Standards Agency English Heritage Health Protection Agency Natural England
Internal	
	Area Boards Elected Members Planning Strategy and Policy Minerals and Waste Planning Development Control Building Control Legal Services Estates

**Figure 19** List of consultees

The council will undertake to be as transparent as possible and make information available via the council's web pages including the Register of Contaminated Land, guidance for developers, guidance for householders and links to any appropriate websites and sources of information.



## 5.0 Wiltshire Council inspection strategy

### 5.1 Statutory obligations

Local Authorities are required to adopt a strategic approach to the inspection of their area for the identification of land which may be contaminated to an extent that merits individual inspection. Section 78B(1) of the Environmental Protection Act 1990 requires that the council should:

- i) be rational, ordered and efficient;
- ii) be proportionate to the seriousness of any actual or potential risk;
- iii) seek to ensure that the most pressing and serious problems are located first;
- iv) ensure that resources are concentrated on investigation in areas where the authority is most likely to identify contaminated land; and
- v) ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.

Figure 20 Statutory obligations.

### 5.2 Roles and responsibilities

A work plan will be developed and managed by the Environmental Protection Specialist Team. Their responsibilities will include collation of all information relating to potential land contamination, administering and updating a database of all sites of potential concern and where necessary to commission and monitor a more detailed specific site investigation.

The specialist team will also be responsible for answering any enquiries received regarding contaminated land. The team shall respond to such enquiries within five working days of the receipt of the request. Where it is appropriate for a charge to be made for any such response this will be levied in line with the councils agreed scale of fees and charges.

Data from enquiries made will be incorporated into the contaminated land database for future reference.

The specialist team will lead on the enforcement of any issues relating to part IIA of the Environmental Protection Act 1990, subject to obtaining appropriate legal advice.

### 5.3 Amalgamation of contaminated land data

The former councils held their contaminated land information in a variety of forms and locations. It is necessary to amalgamate the existing information into a single dataset and to standardise systems and paperwork to guarantee a consistent delivery of the contaminated land strategy across Wiltshire. The existing data sets are listed in figure 21 below:

Information	Source	Progress
Historic Map information	Ordnance Survey Maps & commercial databases (e.g. Landmark)	All available historic maps have now been purchased
Contaminated Land Databases	Landmark point, line and polygon data has now been purchased. Individual datasets created by the individual authorities are also available	Landmark data to be made available at all four office locations. Other datasets need to be analysed and combined into a single data source.
Landfill Sites (Historic)	Environmental Health Records, Waste Management Records, Historic Maps, Environment Agency	Existing databases need checking and updating, layer to be included in GIS system
Landfill Sites Current	Minerals and Waste Planning Records, Environment Agency	Existing databases need checking and updating, layer to be included in GIS system
Known Pollution Incidents	Environmental Health Records, Environment Agency	Current data unchecked. Need to obtain current data from the Environment Agency to ensure all records are accurate.
Industrial Processes	Environment Agency (A1), Local Authority records A(2) and part B records	Already plotted for part of Wiltshire, remaining data to be brought within GIS system
Petrol Stations	Current data held as prescribed process. Historic data held by petroleum officer in paper form	Need to input all petroleum officer records into GIS layer and accompanying data tables.
Site Investigation Reports	Currently held in paper form.	Existing site investigation and remediation data needs to be entered onto system as GIS Layer.
Discharged Planning Conditions.	Where contaminated land conditions were included and discharged thro the planning system	Currently not available on GIS and not easily accessible through IT systems. Project needed to identify and extract data.
Land use information	Council Tax and Business Rates information	Layer not currently available.
Radioactive Sources	Information provided by Environment Agency, Public Register held by Environmental Health	Data needs checking and GIS layer updating.
Environment Agency Information	Published by Environment Agency	Need to check for updated information

Figure 21 Data on potential sources of contamination.

## 5.4 Information on potential receptors.

Information relating to potential receptors is held across the council. Figure 22 contains a summary of the information:

Information	Source	Progress
Human Receptors	Council records of residency and business and land use	The location of sensitive receptors such as allotments, schools, recreational land can be obtained from existing council records. Property specific information on residential use should be available from council tax and revenues information
Ecological systems and protected locations	Natural England	Location of SSSI's are recorded on the GIS system. Current information needs checking to make sure it is up to date
Monuments and Listed Buildings	Council Records and English Heritage Data	Information is already held on the GIS system. Needs to be checked to ensure it is up to date.
Agricultural use, livestock etc	Ariel Photos, Animal Health Team	Dataset needs to be collated
Controlled Waters	Environment Agency, OS Maps	Current dataset needs checking and updating
Ground Water Extraction	Environment Agency	Current Data needs updating to identify all licenced extraction points
Private Water Supplies	Food Teams in Environmental Health	Data partially held in GIS form. Data set needs updating to include all extraction and distribution systems
Source Protection zones	Environment Agency	Current Data needs updating.

Figure 22 Table showing potential receptors data sources

## 5.5 Inspection priorities

The inspection of the district is required to target the most pressing problems. This strategy has been structured to prioritise the order in which receptors are considered and a weighting placed on the significance of any harm caused, as required by the Act.

Figure 23 outlines the proposed priority for the inspection of environmental receptors.

Priority	Description
I.	Human Receptors, areas where the most vulnerable receptor groups are present and where long exposure times to ground contaminants are possible. E.g. areas such as schools, hospitals, residential homes, domestic dwellings, sites where children the elderly or infirm are present and where near constant exposure to ground contamination may be present.
II.	Human Receptors where the main exposed group are predominantly composed of the adult population and/or where exposure times are limited. e.g. business premises, commercial premises, public open spaces and recreational grounds/premises.
III.	Potable water abstractions and the associated source protection zones.
IV.	Controlled bodies of water not included above.
V.	Livestock
VI.	Designated Ecosystems.
VII.	Buildings and the Historic Environment.

**Figure 23 Priority for inspection**

The information on sources and receptors will be stored in a database to allow a prioritisation formula to be applied. The possible impacts to human health, water, and the environment and historic sites will be evaluated and given a numerical score. This score will be used to assign a priority to the sites.

This computer generated list will then be inspected and moderated by officers to identify any anomalies or any sites where remediation has already taken place and this moderated list will be used to prioritise sites for consideration and investigation.

The evaluation and prioritisation process will take a number of months to complete and rather than delay the progress on sites which are already known to warrant investigation, several will be brought forward to allow immediate investigation to begin.

Once the initial prioritisation has been completed additional data will inevitably come to light and will be incorporated into the stored database. This is likely to include more comprehensive information on sites which have been investigated or remediated under the planning regime.

On an annual basis the prioritisation process will be repeated, incorporating the new information, to establish if any new sites require urgent attention or if other sites have now been remediated and can be removed from the list.

## **5.6 Integration with the planning process.**

The majority of contaminated land will be remediated as a result of planning conditions attached as part of the approval process. Information will be made available to the planning department in a form they will find most useful to ensure that suitable conditions are attached to any permission given.

In addition guidance will be produced to assist developers in fulfilling their obligations when redeveloping a brownfield site. This guidance will be made available on the council website.

## **6.0 Procedures**

### **6.1 Internal management arrangements**

The lead role in the implementation of the contaminated land regime is to be taken by the environmental health practitioners (EHP's) in the Wiltshire Council Specialist Environmental Protection Team.

The specialist team will deal with contaminated land issues identified through the Planning consultation process and the day to day implementation of the Contaminated Land Regulations.

The specialist team will be responsible for maintaining the Contaminated Land Register and serving remediation notices. The authorised signatories for remediation notices will be the EHPs and team manager. All enforcement will comply with the regulatory policies adopted by the council at that time.

Where council owned land is identified as being contaminated land, or where land contamination liabilities associated with property in the ownership of others rests with the council (orphan pollutant linkages), cabinet will be informed at the earliest opportunity.

### **6.2 Local Authority interests in land**

As previously stated Wiltshire Council owns an extensive property portfolio including:-

- Shops.
- Commercial / industrial sites and premises.
- Car parks.
- Parks / Recreation Grounds.
- Schools.
- Miscellaneous Open Spaces.
- Closed Landfill Sites.
- Waste Transfer Locations.
- Land formerly owned by the council or its predecessors which was contaminated then subsequently sold. Pursuant to the 'polluter pays principle' liability may still remain with the council

The full extent of land ownership and liability is currently unknown although this information was clearly held in a number of locations in the historic authorities. It will be necessary to liaise with appropriate departments across Wiltshire Council in order to ensure that an up to date register of land is produced in a suitable geospatially referenced format.

Potentially contaminated sites will be assessed using the same criteria as for land not in council ownership. Where council owned land is identified as being contaminated within the meaning of Part IIA, it will be investigated and remediated in priority order.

### **6.3 Information collection.**

#### **General**

The main thrust of the regulations is to identify significant pollutant linkages, the presence of which identifies the land as contaminated land within the meaning of the regulations.

The land use characteristics of the district are a mixture of agricultural land, mid sized towns (predominantly with industrial histories), smaller settlements, industrial, commercial and military land. The southern half of the area has vulnerable water resources and the majority of the population is centred within the urban areas. This makes the selection of a prioritisation strategy difficult due the range of possible receptors and the size of the council area.

Previously the four strategies adopted a receptor lead approach, focussing on human health and potable water supplies. It is now proposed that the GIS system is used more proactively in the new strategy to allow a weighting for types of land use, receptors and likely contaminants. Figure 23 above highlights the proposed prioritisation of receptors and this will be used as the basis of the weighting system.

#### **Identification of significant pollutant linkages**

Past activity of the former councils has generated a good knowledge of the location of likely receptors and possible polluting processes. This information is already mapped onto GIS systems and can be amalgamated into a single database. This information has been supplemented by the purchase of the historic information and mapping from Landmark.

Similarly, in terms of pathways, information on geology, water courses, source protection zones, boreholes etc are now geospatially available.

The available information will be amalgamated and scripts will be developed to carry out the following:-

- Division of Wiltshire into squares of a standardised area
- Using GIS mapping identify likely receptors (and apply a weighting)
- Using GIS mapping identify likely sources of contamination (and apply a weighting)
- Using GIS mapping identify likely pathways.

The weightings will be derived using the priority list described previously. Reference will also be made to guidance issued by the Secretary of State, the Environment Agency and the HPA. The exact weightings will be tested and moderated using known sites where investigation histories are known.

Pathways will be assumed to be present if there is no evidence to the contrary. This will give false positives which can be assessed by desktop and walk over exercises which will allow pathway information to be modified.

## **6.4 Identification of receptors**

### **Human receptors**

Human receptors will be targeted by reference principally to current OS mapping and additionally to;

- Wiltshire Council Plan
- Wiltshire Council Planning department records, including approved planning applications for residential and educational developments.

These records will be reviewed at 5 year periods.

### **Bodies of controlled water**

Bodies of controlled water will be identified by reference to the following sources;

- Environment Agency hydro-geological mapping of major and minor aquifers
- Environment Agency records of licensed groundwater abstraction points, source protection zones, surface water bodies, water quality ratings and surface water abstractions
- Wiltshire Council records of private groundwater abstractions.

These records will be reviewed at 5 year periods.

### **Ecological systems**

Ecological systems as defined within the following legislation;

- Wildlife and Countryside Act 1981, Sections; 28, 35 & 36
- Conservation of (Natural Habitats) Regulations 1994, Regulation 10
- Planning Policy Statement Note 9, paragraph 13, Nature Conservation (special areas of conservation, potential special protection areas & Ramsar sites).



These land uses will be identified by reference primarily to Wiltshire Council Forward Plan, the specified ecological systems being defined within the policies for; areas of high ecological value and sites of special scientific value and areas of outstanding natural beauty. Reference will also be made to records maintained by; English Nature and the Ministry of Agriculture Food and Fisheries.

These records will be reviewed at 5 year periods.

### **Livestock**

Property in the form of livestock or other owned animals, and wild animals that may be the subject of shooting or fishing rights or of crops will be obtained by reference to records maintained by;

- Environment Agency
- Food Standards Agency
- MAFF
- English Nature
- British Waterways

### **Buildings**

Property in the form of buildings as defined within The Town and Country Planning Act 1990, Section 336(1), will be identified by reference to the following information sources, evidence for the existence of pollutant linkages impacting on property in the form of residential structures will be assessed concurrently with those impacting on human receptors.

Establish from OS mapping and planning department records areas occupied by Trading Estates and other non residential structures.

## **6.5 Identification of potential sources**

Potential sources of contamination will be identified by reference to statutory authority records, current and historic mapping and available archive

Reference will also be made to information collated by the Environmental Health Department's prior to the formation of Wiltshire Council.

Potentially contaminated uses of land will include:-

- Airports / airfields
- Animal and animal products processing works
- Asbestos manufacturing works
- Brickworks
- Ceramics, cement and asphalt manufacturing works
- Charcoal works
- Chemical works
- Dockyards, dockland and wharves
- Dry cleaners
- Electricity generating stations, transformer and switch gear substations
- Engineering works
- Fibreglass and fibreglass resin works
- Gas works, coke works and other coal carbonisation works and associated by-product works
- Glass manufacturing works
- Metal manufacturing, refining and finishing works
- Mills and other prime movers (eg; hydraulic power stations)
- Oil refineries and bulk storage of crude oil and petroleum products
- Photographic process industry
- Printing and bookbinding works
- Pulp and paper manufacturing works
- Railway land
- Road vehicle fuelling, service and repair; garages, filling stations, transport and haulage centres
- Sewage works and sewage farms
- Textile works and dye works
- Timber treatment and products manufacturing works
- Unspecified depots and works
- Unspecified depressions / excavations which do not appear on later plans
- Unspecified sites with chimneys indicated
- Unspecified sites with tanks indicated
- Unspecified tipped areas
- Waste disposal, recycling and treatment sites

The principal archive sources of information are detailed below:-

<b>Potential Contamination Source</b>	<b>Information Source</b>
Historic Land Use	GIS mapping, Wiltshire Council Records, Landmark Data Set
Part B Prescribed Processes	Wiltshire Council Public Register
Licensed Waste disposal, recycling and treatment sites (active)	Environment Agency / Wiltshire Council
Licensed Waste disposal, recycling and treatment sites (closed)	Environment Agency / Wiltshire Council
Historic landfill sites	Environment Agency / Wiltshire Council/ Landmark Data Set
Fuel storage tanks	Wiltshire Council Petroleum Officer, Landmark Data Set
Environmental Protection Complaints Records	Wiltshire Council
Building Control Records	Wiltshire Council
Planning Records	Wiltshire Council
Radioactive Substance Use	Environment Agency and Wiltshire Council Records
<b>Special Sites</b>	<b>Information Source</b>
Part A Prescribed Processes	Environment Agency Public Register
MOD land	Defence Estate Organisation
Nuclear Installations	Nuclear Installations Inspectorate

Figure 24 Sources of historic information

## 6.6 Identification of pathways

Where the presence of receptors and a source have been identified, evidence for the presence of a pathway for the contamination source to impact on the receptor will be gathered from the following documentary sources and /or by means of a walkover survey of the site.

A pathway can be identified for this purpose on the basis of the general scientific knowledge of the nature of the contaminant and the circumstances of the land in question, without the need for direct observation of the pathway.

Where the presence of a pathway has been established or suspected then a pollutant linkage will be considered to be present.

Figure 25 sets out the principal pathways to be considered.

<b>Pathway</b>	<b>Information Source</b>
Permeable strata (liquid & gases)	Geological Survey Plans
Groundwater	Hydro-geological Plans
Surface water courses	OS Mapping, Environment Agency Data.
Surface water run off	OS Mapping (topographical factors)
Site specific factors (hard landscaping, drainage etc)	OS Mapping and/or site walk over survey.
Airborne mobilisation / inhalation	OS mapping / land use data and/or assessment of site specific factors (hard landscaping, buildings, vegetation cover, etc) from site walk over survey.
Ingestion	OS mapping / land use data and/or assessment of site specific factors (hard landscaping, buildings, vegetation cover, etc) from site walk over survey.
Dermal contact	OS mapping / land use data and/or assessment of site specific factors (hard landscaping, buildings, vegetation cover, etc) from site walk over survey.

**Figure 25 Sources of pathway information**

## **6.7 Information evaluation**

Information will be evaluated using a tiered risk assessment procedure.

Initial screening will be carried out by researching information regarding the site and its locality's characteristics, to construct a conceptual model.

Qualitative risk assessment will be used to initially determine if the three elements of the pollutant linkage are present (or potentially present) and to make an initial assessment of the significance of any pollutant linkage.

Generic trigger values, notably the CLEA SGVs (Contaminated Land Exposure Assessment Soil Guideline Values), also where CLEA SGVs have not yet been published, the LQM/CIEH Generic Assessment Criteria (2<sup>nd</sup> edition or later), the Dutch Ministry of Housing and Spatial Planning trigger values, will be used as a screening tool. Additional sources of site specific levels will be identified and used as appropriate.

Where qualitative risk assessment is not suitable to fully resolve the degree of risk posed by a contamination source to a receptor, or where there is a requirement to derive a site specific remediation target then Quantitative Risk assessment will be used.

The Wiltshire Council Specialist Environmental Protection Team currently uses the Environment Agency's research and development publication No 20 protocol for assessing impacts from council property on bodies of controlled water.(Posted at the Environment Agency's internet web site [www.environment-agency.gov.uk/gwcl](http://www.environment-agency.gov.uk/gwcl))

Additionally, Wiltshire Council has the capability of undertaking quantitative risk assessments for human receptor using the CLEA risk assessment software and the Scottish and Northern Ireland Forum for Environmental Research (SNIFFER) protocol.

Other appropriate risk assessment packages/protocols will be acquired and used as the need is identified.

In general as the presence of pollutant linkages are being established these will be categorised in to four categories for prioritising further investigation work, as detailed below.

<b>Priority</b>	<b>Definition</b>
1	Site probably or certainly not suitable for present use and environmental setting. Contaminants probably or certainly present and very likely to have an impact on key receptors. Urgent action required in the short term.
2	Site may not be suitable for present use and environmental setting. Contaminants probably or certainly present and very likely to have an impact on key receptors. Action may be required in the medium term.
3	Site considered suitable for present use and environmental setting. Contaminants may be present but are unlikely to have an unacceptable impact on key receptors. Action unlikely to be required whilst the site remains in its present use or otherwise remains undisturbed.
4	Site considered suitable for present use and environmental setting. Contaminants may be present but are very unlikely to have an unacceptable impact on key receptors. No action likely to be required whilst the site remains in its present use or otherwise remains undisturbed.

**Figure 26 Categorisation of land for inspection**

## **7.0 Interaction with other regulatory regimes**

### **General**

The contaminated land legislation is primarily targeted to identify historical ground contamination, to ensure that sites are fit for their current purpose. It replaces the existing Environmental Protection Act 1990 Part III Statutory Nuisance regime's function in investigation and actions with regard to ground contamination.

### **7.1 Development control**

Issues of ground contamination affecting development proposals are dealt with by Town and Country Planning legislation, principally by the provision of planning conditions requiring site investigation, remediation and remediation validation works, to ensure that the site is fit for the intended purpose. It is anticipated that current planning controls will remain the primary mechanism for dealing with ground contamination.

The council's Environmental Protection Section has robust links with both the Development Control and Building Control Sections and routinely advises on ground contamination issues amongst other issues, such as noise, traffic and air pollution.

### **7.2 Environmental Permitting (England and Wales) Regulations 2007**

The Environmental Permitting Regulations control pollution, including ground contamination, from certain prescribed industrial processes in current operation, via a system of Process Permits issued by the Environment Agency. Action under the Contaminated Land legislation is precluded where action under the new Environmental Permitting Regulations is appropriate to remedy ground contamination.

### **7.3 Waste management licensing**

Waste management sites were previously licensed under Part II of the Environmental Protection Act 1990. This has now been superseded by the Environmental Permitting Regulations. Prevention of pollution of the ground and groundwater environment is controlled by conditions contained within these permits.

Action under the Contaminated Land legislation is precluded where action may be evoked pursuant to a permit condition, to remedy ground contamination. Where ground or groundwater contamination is attributable to cause other than breach of a site license condition then the contaminated land provisions may be applied.

#### **7.4 Water Resources Act 1991 as amended by the Water Act 2003.**

This Act gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters by the serving of “Works Notices” specifying remedial actions to be taken. This legislation overlaps with the new Contaminated Land legislation.

Where Local Authorities identify Contaminated Land impacting on controlled bodies of water then the Authority is required to liaise with the Environment Agency with respect to the appropriate remedial action to be taken. It is anticipated that the Contaminated Land legislation will be the primary tool used for dealing with ground contamination affecting controlled waters, the Water Resources Act 1991 being used where the pollutants are entirely contained within a body of controlled water or where the contamination sources cannot be identified.

Where pollution of a body of controlled water is due to a discharge subject to ‘discharge consent’ under the Water Resources Act 1991, action under the contaminated land regime will be precluded.

#### **7.5 The Finance Act 1996**

This act introduced a tax on the disposal of wastes, including those generated from the remediation of ground contamination. Exemptions from this tax may be obtained where ground contamination is being removed from a contaminated land site in order to prevent harm. Where a remediation notice has been served under Part II of the Environmental Protection Act 1990 exemption of the tax is precluded. This legislation provides an incentive mechanism for appropriate parties to undertake voluntary remediation of contaminated land sites.

## **8.0 Complaints and information requests.**

### **8.1 Requests from regulatory bodies.**

Regulatory bodies are considered to encompass the following:

- Internal departments of Wiltshire Council.
- Contractors or consultants appointed by and working on behalf of Wiltshire Council.
- The Department of the Environment, Transport and Regions.
- The Environment Agency.
- The Health and Safety Executive.

When a request for information is received from a regulatory body the request will be issued with a unique complaint reference number. Information relevant to the request will be compiled both from the contaminated land database and the public contaminated land register.

All information drawn from the Wiltshire Council's internal contaminated land database will be marked as *strictly confidential* and *commercially sensitive*.

Responses to requests for information will be made within 10 working days from the date of the receipt of the request, excepting emergency situations, when information will be supplied as soon as is practicable.

Where a memorandum of understanding exists between the Council and the regulatory body no charges shall be made.

### **8.2 Requests for information from other sources.**

For the purposes of this document the general public, commercial organisation and other parties bodies will encompass the following:

- Members of the general public
- Commercial organisations (including land agents and consultancy companies)
- Utility companies
- Members of educational establishments
- Other organisations not covered by Regulatory Bodies above

When a request for information is received from the general public, a commercial organisation or other parties the request will be issued with a unique complaint reference number.



Information will be provided in accordance with the requirements of the Environmental Information Regulations 2004. Where possible, extracts of historic mapping and OS mapping will be made available, within the terms of the copyright and licence conditions imposed on the council.

Responses to requests for information will be made within 10 working days from the date of the receipt of the request.

A charge for this information will usually be made. The level of the charge will be set according to the fees and charges policy set by Wiltshire Council and current at the time of the request. This charge may be waived at the discretion of the officer undertaking the work if:

- No information is available, or;
- The amount of information held by the council is minimal and a charge would be disproportionate to the work involved in producing the response, or;
- There are extenuating circumstances in agreement with the team leader.

Fees will **not** usually be waived if the information request is made by a commercial organisation, consultancy, solicitor, search provider or similar.

### **8.3 Receipt of new information.**

It is anticipated that new information regarding ground contamination will be regularly received from the statutory authorities. Examples of receipt of information by this route would be; updates of information from the Environment Agency or Site Investigation reports forwarded by Development Control.

Where new or revised information regarding ground contamination is received, from a verifiable source detailing a clear audit trail, the information will be entered onto the wiltshire council contaminated land database and the presence of pollutant linkages will be assessed as detailed above. The public contaminated land register will be amended if evidence for significant pollutant linkages is identified. Verification of the quality and accuracy of the information will be required prior to the amendment of the database and public register.

Anecdotal information will be fully noted and detailed but will be subject to verification prior to being added to either the contaminated land database or the public contaminated land register.

The details of persons, other than regulatory authorities, supplying information will be treated as confidential unless disclosure for legal proceedings is required or unless the information is in the public domain as a result of the planning process.

#### **8.4 Public register availability.**

The public register shall be kept from July 2001 and will be made available for inspection on demand during office hours. In order to ensure that staff are available to answer any queries arising out of the inspection of the register it is suggested that an appointment for inspection is made.

#### **8.5 Complaints regarding land contamination.**

All complaints received concerning ground contamination will be subject to the standard Environmental Protection Specification for Statutory Nuisance Complaints.

All efforts will be made to rapidly evaluate the complaint and enable a solution to be provided. It must be noted that these issues are often complex, requiring several phases of investigation to fully evaluate the ground conditions and provide an appropriate remedial solution. As a result of this complexity, a rapid resolution may not always be possible.

In general the salient point of the procedure may be summarised as:

- Complaint recorded and allocated unique reference number
- Allocation to an appropriate officer
- Initial response within 10 working days
- Inspection of the site to establish the risk and whether further involvement is required
- Regular feedback to the complainant as to the progress in investigating the issues
- Identification of the site owner and the appropriate party to bear responsibility for investigation and contamination of the land
- Consultation with the land owner, appropriate person/s and other bodies with regard to investigation and remediation  
*(several phases may be required as the project is progressed)*
- Provision of funding  
*(several phases may be required as the project is progressed)*
- Investigation to verify that a significant pollution exists, that the site is "Contaminated Land" and to gain information for remediation design.  
*(several phases may be required to fully investigate the chemical, geo-technical, hydro-geological etc. characteristics of the land)*
- Design and enactment of remediation works
- Validation of the remediation works
- Apportionment / recovery of costs

## 9.0 Liaison and communication.

The identification of contaminated land and its subsequent remediation will require the collection of significant quantities of information from a variety of sources; this information will require updating on a regular basis.

Furthermore it is anticipated that presence of contaminated land will have an impact upon and involve many parties in the locality of the designated land, and will inevitably bring enquiries and concerns from many diverse parties.

Hence the implementation of the Contaminated Land Regulations is a process involving many stakeholders and interested parties, and effective liaison and communication with the stakeholders will form an important part of this council's duties with respect to this legislation, and its efficient implementation.

The identified principal stakeholders and interested parties are detailed below:-

- Statutory bodies (external bodies and other WC departments)
- Property owners, occupiers and other interested parties (e.g. funds)
- The wider community (e.g. neighbours of contaminated land sites)

Each of the stakeholder groups will be given the opportunity to comment on the draft contaminated land inspection strategy.

The following points of contact and procedures for liaison and communication are proposed.

### 9.1 Wiltshire council departments

The following departments are considered to have an interest in the new Contaminated Land regime and are to be consulted as indicated.

#### **Regulatory services**

*(Development Control, Building Control and Public Protection).*

Regulatory services is primarily considered to be used as a source of information regarding past development of brown field sites. The existing Town and Country Planning regulations will be used to require any ground contamination investigation and remediation works pertaining to future development.

These departments will be contacted when areas of contaminated land are due to be designated and they will have access to the Authority's internal ground contamination database. The principal officers of each area of these departments will be the initial point of contact.

### **Commercial services department**

As previously detailed the council has a significant property portfolio which has yet to be investigated for contaminated land.

The initial point of contact for liaison on ground contamination issues associated with council owned land will be:

- Technical and professional services manager
- Contract services manager

Prior to undertaking investigation works or the determination of the contaminated land status the above will be consulted. It is anticipated that the elected members of the council will be informed of any contaminated land issue affecting council property.

### **Legal services department**

Legal Services will be consulted prior to the serving of any legal notice with respect to the contaminated land regulations.

## **9.2 The Environment Agency**

The Environment Agency is considered to be one of the principal external bodies with which consultations will take place, being a provider of environmental information and technical guidance, and the enforcing authority for special sites and other environmental legislation.

A memorandum of understanding, detailed within the Local Government Association Circular 563/98 of September 1998, has been agreed between the Local Government Association and Environment Agency. The memorandum details the framework within which the Environment Agency and Local Authority interface, with respect to matters of shared responsibility or interest.

The protocol has been accepted by the Local Government Association on behalf of Local Authorities and hence Wiltshire Council officers will observe the agreed approach during liaison with the Environment Agency.

### 9.3 Statutory Authorities

The DETR guidance lists the following Authorities as statutory consultees with respect to the compilation of the inspection strategy. These bodies are also considered to be important sources of information and expertise during the implementation of the Contaminated Land regulations.

#### **South West of England Regional Development Agency**

South West RDA

Corporate Headquarters, Stirling House, Dix's Field, Exeter, EX1 1QA  
01392 214 747

#### **English Nature**

Conservation Officer

Prince Morris Court, Hambleton Av., Devizes, SN10 2RT (01380  
726344 x28)

#### **English Heritage-**

29 Queen's Square, Bristol, BS1 4ND

#### **Ministry of Agriculture Food and Fisheries**

Room 142, Nobel House, 17 Smith Street, London SW1P 3JR (0207  
238 5898)

### 9.4 Property Owners and other interested parties

The council implements its regulatory duties informally where this is possible and the voluntary resolution of Contaminated Land issues accrues benefits to both the landowner and the council, as below:

- Actions may be agreed and implemented in a shorter time, hence impacts on environmental receptors may be minimised
- Legal proceedings and the associated costs and time may be avoided
- The stigma associated with legal proceedings to remedy ground contamination may be avoided
- The appropriate person may retain eligibility for Landfill Tax exemption on contaminated soils removed during the remediation process

Where land is determined by the council to be contaminated, but is not a Special Site (SS), and where urgent remediation is not required, the following minimum notification procedure will be carried out:-

- The council will identify the owner and occupier of the land, and the appropriate person to bear responsibility for the remediation actions required.

- The council will notify the appropriate persons and agencies, detailing the reasons for the determination.
- Consultation regarding the remediation scheme, and timescales, can then be commenced.
- A minimum period of three months from notification will usually be allowed before a remediation notice is served.

It should be noted that intrusive site investigation procedures are classified as 'Remediation Actions' by section 78A(7) of the Environmental Protection Act 1990. It is possible that substantial site investigation may be required by the Council (or Environment Agency) once land has been determined to be contaminated.

The council will endeavour to informally consult the owners and occupiers of land, or other appropriate persons one month before making a determination of contaminated land. This period is to allow the parties to voluntarily collect and present any relevant information regarding the land.

The Council is not under any statutory obligation to undertake informal pre-notifications of its intentions and these will be made on a discretionary basis. Where it is considered that such pre-notification may result in deliberate obstruction of the Council's investigations no pre-notification will be carried out.

## **9.5 The wider community**

The draft inspection strategy will be a publicly available document and will be posted on the council's internet site. Consultation with the general public will be invited.

Information supplied by members of the general public will be accepted but will be subjected to verification. Anecdotal evidence will be accepted however its status will be recorded.

During the remediation of sites determined to be contaminated land, the council will take measures to inform the general public of the works, such measures may include:

- press releases
- posting of public notices
- letter drops to residents and premises within the locality
- briefing of local councillors and parish councils

The exact nature of the public consultation will be decided on each case's particular circumstances, considering the nature of the works, contamination present, duration of the works, localities characteristics etc. All views expressed by the local community will be given due investigation and consideration.

It is anticipated that the expectations of some members of the public will exceed that which is achievable via the legislation and the unavoidable constraints on resources.

## **9.6 Powers of entry**

Section 108(6) and Schedule 18 of the Environment Act 1995 gives the local authority statutory powers of entry subject to the consent of the land owner or the issuing of a warrant by a magistrate, to carry out investigation or remediation works. In certain emergency situations, detailed within the Act, the powers of entry can be exercised with immediate effect.

The use of these powers is considered to be an option of last resort in circumstances where access to the land in question cannot be voluntarily agreed.

A minimum of seven days notice of entry by statutory powers is required if residential properties are to be inspected or the use of heavy plant or equipment is required.

## 6 Programme for inspection

The initial prioritisation process will result in the identification of a list of sites which may require further detailed inspection. This section outlines the procedures that will be followed in the detailed inspection of sites.

### 10.1 Compliance with statutory guidance on inspection.

The output from the initial inspection program will include a summary of those issues causing the site to require further inspection. The statutory guidance sets out issues to be addressed in the inspection of sites. The council's approach to satisfying these requirements is outlined below:

1. Detailed inspection shall not take place without physical or theoretical evidence of the actual presence of a pollutant.
2. Detailed inspection of a site may include the following:
  - a. Collation and assessment of documentary information, or other information from other bodies
  - b. A visit to a particular area for the purpose of visual inspection and, in some cases, limited sampling
  - c. Intrusive investigation of the land (for example by exploratory excavations).

The council has powers of entry to undertake detailed inspections should this prove necessary. It is the intention of the council to encourage voluntary action whenever possible.

Landowners or occupiers, who wish voluntarily to provide the information needed for a detailed inspection, will be provided with advice from the contaminated land officer relating to the inspection objectives.

Where the council undertakes an inspection using statutory powers of entry it will apply the principles listed in figure 27.



i	An intrusive investigation will only take place if there is a reasonable possibility that a pollutant linkage exists on the land.
ii	An intrusive investigation will only take place if there is a reasonable possibility that a contaminant is present on the land and that a receptor is present or likely to be present.
iii	Where the council has been provided with detailed information on the condition of the land, which is sufficient to determine whether the site is contaminated land, an intrusive inspection using the statutory powers of entry will not be undertaken.  This situation would also apply where a person offers to provide such information within a reasonable and specified time period and subsequently provides the information.
iv	The council, or their agent, will carry out any intrusive investigation in accordance with the appropriate technical procedures and safety requirements.
v	During an intrusive investigation, all reasonable precautions will be taken to avoid harm, water pollution, damage to natural resources, or damage to features of historical or archaeological interest.
vi	Prior to the undertaking of an intrusive investigation on any area notified as a Site of Special Scientific Interest, the council will consult English Nature on any action that would require their consent.
vii	Should an inspection provide sufficient information to, reasonably preclude the possibility of a pollutant linkage, the council will not carry out any further detailed inspection unless a change in circumstance dictates a review of the site in question.

**Figure 27 Requirements for intrusive investigation.**

## **11.0 Methodology for detailed inspection**

The purpose of the detailed inspection is to determine whether the land identified in the initial inspection survey appears to be contaminated land and whether it falls within the definition of a special site. The following series of actions indicates the approach to be taken by the council and the order in which they are to be undertaken. Figure 28 shows a typical example of the process.

### **11.1 Obtaining additional information**

Where appropriate, further research will be carried out to determine the likely presence and significance of sources, pathways and receptors. The search for additional information may involve consultation within the council as well as externally to seek further details or advice on a site-specific basis.

### **11.2 Consultation**

Formal consultation with all appropriate consultees will be undertaken at this stage. The list of consultees will depend upon the particulars of the site and pollutant linkage.

### **11.3 Contact with the land owner/occupier**

Those identified as responsible for a site will be contacted and advised of the investigation into contamination issues and the significant pollutant linkage(s) under further investigation. Information or clarification of certain details, as well as site access may be requested.

### **11.4 Walkover survey**

Access will usually be undertaken with agreement with the site owner and/or occupier but where this is not forthcoming the council may be required to use its statutory powers. The purpose of the visit, during the detailed inspection, will be to establish current land use, site character and evidence of contamination. Each site visit will focus on signs associated with significant pollutant linkages under investigation. The site visit will be undertaken only where it is considered that there is a reasonable possibility of the presence of a contaminant, pathway and receptor.

## **11.5 Continual risk assessment**

Where reasonably practicable an assessment of the risk from a significant pollutant linkage will be undertaken as soon as additional information is obtained. The additional information should provide a more reliable model of the pollutant linkage. The resulting assessment will be used to drive any investigation where there is a requirement for it.

## **11.6 Investigation through sampling**

If the risk assessment shows there is a reasonable possibility of a significant pollutant linkage, the council will seek to obtain evidence that the linkage exists. The actual methods or investigation procedure will be developed on a site specific basis, however, appropriate published guidance will be referred to and methods of good practice employed.

The landowner and/or occupier or other party may offer to undertake a site investigation. In this situation, the contaminated land officer will specify the minimum requirements of the site investigation to satisfy the inspection objectives and ensure adequate information is obtained within an agreed timescale.

As information is obtained by the ongoing investigation the risk assessment will be undertaken to determine whether the site is contaminated land or a special site.

## **11.7 Determination of contaminated land**

To focus Part 2A only on problematic land, and to avoid inadvertently catching non-problematic land, there has to be confidence of significant possibility of significant harm, or pollution of water before land is determined.

In the event that sufficient information has been gathered at this stage to enable the site to be determined as contaminated land or a special site, no further investigation will take place. The statutory requirements of the inspection procedure would have been met.

Where the information obtained to date indicates that the site is not contaminated land under the statutory definition no further action will be taken and the inspection will cease. The landowner and/or occupier if previously in communication with the council will be informed in writing of the current situation. All details of inspection will be retained on file.

This is particularly important, as there is the possibility that a change in the site character may create a new significant pollutant linkage. Although not a requirement, it may make economic sense to identify all pollutant linkages during the inspection phase. This may avoid costly additional mobilisation onto site and duplication of remediation.

Prior to the determination of a site as contaminated land the authority will write to the owner and occupier. They will be advised of the Council's view and will be invited to discuss the situation prior to formal designation. The details provided in the correspondence will include:

- a description of the significant pollutant linkage(s) of concern
- a summary of the evidence on which the determination is based
- a summary of the relevant assessment of this evidence
- a summary of the way the council considers that the requirements of (chapters A and B) of the statutory guidance have been satisfied.

### **11.8 Designation of contaminated land**

Where it is considered that the land is contaminated land the council will prepare a written record of the determination.

Following the designation of land as contaminated, the council will comply with the requirements of the statutory guidance and following a three month period in which negotiation will be encouraged, give written notice to:

- the owner of the land
- the person who appears to the local authority to be in occupation of the whole or part of the land that has been designated
- any person who appears to be the appropriate person, having responsibility for any remediation that might be necessary
- the Environment Agency.

A remediation notice will be served on the owner/occupier of the land specifying the action required to ensure the land is made suitable for use or to prevent pollution of controlled waters.

### **11.9 Investigation through sampling**

If the risk assessment shows there is a reasonable possibility of a significant pollutant linkage, the council will seek to obtain evidence that the linkage exists. The actual methods or investigation procedure will be developed on a site specific basis, however, appropriate published guidance will be referred to and methods of good practice employed.

The landowner and/or occupier or other party may offer to undertake a site investigation. In this situation, the contaminated land officer will specify the minimum requirements of the site investigation to satisfy the inspection objectives and ensure adequate information is obtained within an agreed timescale.

As information is obtained by the ongoing investigation the risk assessment will be undertaken to determine whether the site is contaminated land or a special site.

### **11.10 Potential special sites**

Before an area of land can be formally referred to as a special site, the council must take the initial step of designating the land as contaminated, if the council believes that the land may be 'special' and thus by designating the land, it would become a special site, the council can request that the Agency investigates the land on its behalf. If the Agency agrees that the land is a potential special site and undertakes an inspection which identifies one or more Significant Pollutant Linkages (SPLs), this information is passed over to the council allowing them to make the initial designation.

### **11.11 Information from detailed inspection**

All information collected during the detailed inspection process will be maintained on the council's GIS along with previously collated information from the initial inspection and prioritisation.

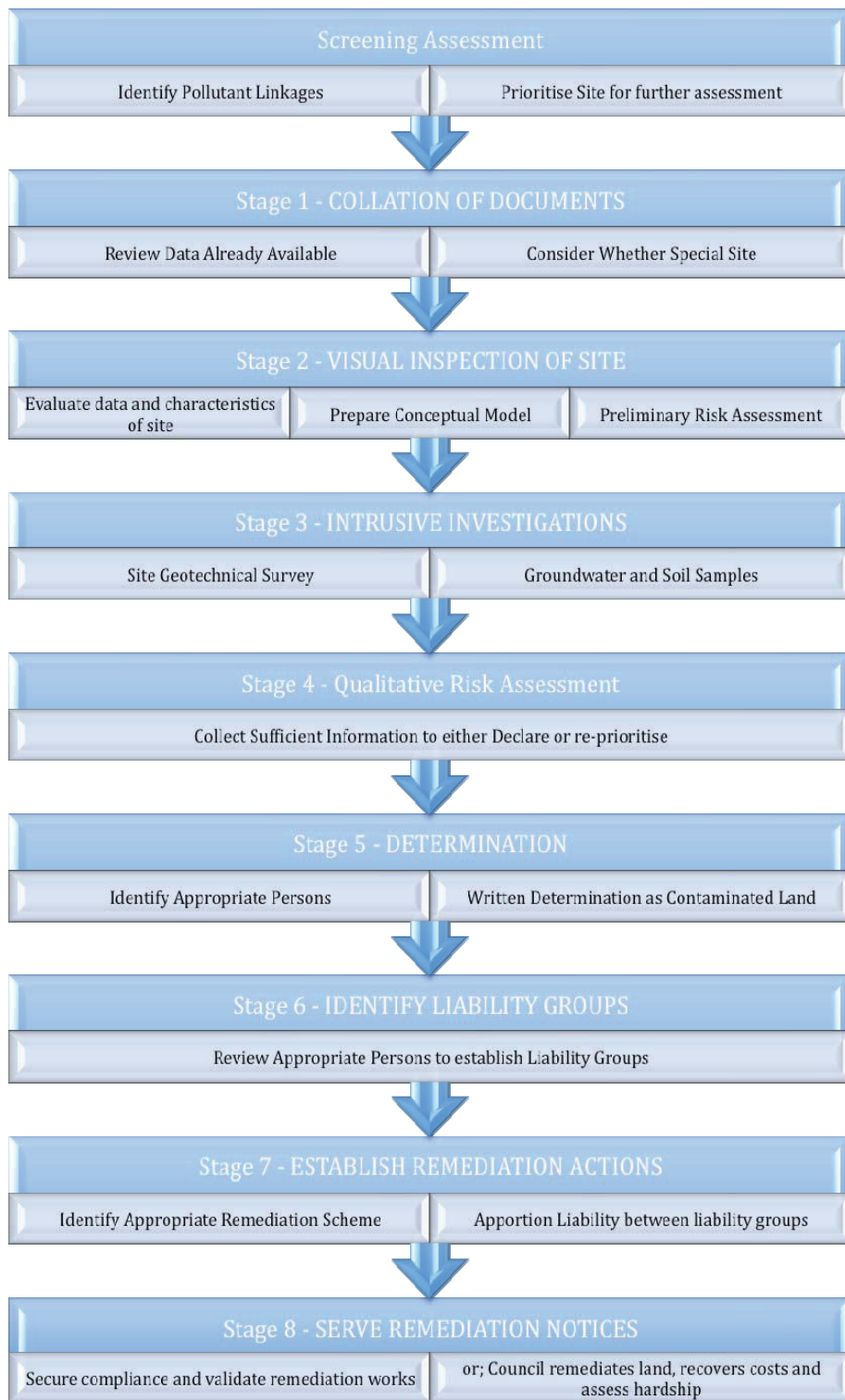
### **11.12 Urgent remediation**

Urgent remediation will occur where the council becomes satisfied that there is imminent danger of serious harm to people or the environment, the serious pollution of controlled waters, or serious harm attributable to radioactivity. The council will usually seek to recover costs of urgent remediation works that it has completed.

### **11.13 Details on additional policy related to contaminated land**

Details of the councils policy on the enforcement of contaminated land legislation and other supporting policies will be developed separately from the core contaminated land strategy. Guidance will be available on the council website once these policies are available. Information will include :-

Enforcement	Grounds for Appeal
Orphan Sites	Apportionment of Liability
Hardship Policy	



**Figure 28 Flowchart of remediation process**

## **12.0 Information Management.**

### **12.1 General**

The council will use a computerised database for the storage of information. Currently this is held in several formats at four locations. The information will be brought together in a single database using geospatial referencing.

The database is for the use of the council and the environment agency in the course of their duties and activities. The primary function of the database is for the identification of significant pollution linkages and land contaminated within the meaning of Part IIA but the information held will also be used in more general formation of policy and strategy and to assist other services and departments in fulfilling their statutory functions.

Required information will be transferred to the public register. This register will be held in electronic format and be available on the council Website. The register will be able to be viewed at any council office and a print out of information will be made available on request.

The information held by the council will be predominantly drawn from the public domain but there will be elements that are commercially sensitive. Collected information will highlight environmental liabilities falling outside the scope of the contaminated land regulations and in order to prevent blight the information will be treated as strictly confidential and commercially sensitive.

Any requests to view information held on the database will be considered as required by the Environmental Information Regulations and Freedom of information Act, but some or all of the information may be withheld depending on the individual circumstances.

The information on the database will contain information as summarised in figure 29 below.

**STRICTLY CONFIDENTIAL AND COMMERCIALY SENSITIVE**

1.0	Site Identification	
1.1	Database Reference Number	xxx
1.2	Site Title	xxxxxxxxxx
1.3	Site Address	xxxxxxxxxx
1.4	Remediation Register Entry Number	yyy
1.5	Date of last revision	5/10/2000
1.6	Confidentiality status of site details	N/A
1.7	<i>Keywords (Site Type)</i>	Gasworks
1.8	Special Site Status	Yes
1.9	Date referred to Environment Agency and Contact Details	TBA
1.10	Details of Special Site Status	Middle Jurassic Limestone impacted by hydrocarbons
1.11	OS Grid Reference	ST 825 603
1.12	Site Size (Ha)	0.5
1.13	Planning Application Number	
1.14	Building Control Application Number	
1.15	UPRN No	00119/0580/3/000
1.16	Site Owner	xxxxxxx
1.17	Tenant Details	xxxxxxx
1.18	File references and locations	Case file 19983496
1.19	Notes	Site forms central area of gasworks site, approx 25%
2.0	<b><i>Receptor Types</i></b>	
2.1	Primary	Groundwater
2.2	Secondary	None
2.3	Tertiary	Site users, services
2.4	Source Protection Zone Status	None
2.5	<i>Notes</i>	
3.0	<b><i>Source Types</i></b>	
3.1	Current Site Use	car parking
3.2	Identified Former Site Use	Part of coal carbonisation works
3.3	IPPC A1 Prescribed Process	None
3.4	IPPC A2 Prescribed Process	None
3.5	Presence of Subsurface Tanks / Structures	Tar and liquor well and gasholder base identified
3.6	Potential Contaminants	Organics inc PAH and phenolics, metals ,CN, S, pH
3.7	<i>Notes</i>	



<b>4.0</b>	<b><i>Pathway Types</i></b>	
4.1	Geology Solid	Fracture flow through Oolite limestone, gentle dip to east
4.2	Geology Drift	Permeable gravel and fill present
4.3	Hydrogeology	Major Aquifer present at depth (10m bgl ) GW flow presumed towards north west (topographical influence)
4.4	Hydrology	R Avon 300m N, Canal 70m SW
4.5	Site Surfacing , Permeability & Accessibility	Compacted clean aggregate
4.6	Topography	Site / local topography dips to west
<b>5.0</b>	<b><i>Identified Site Investigation and Test Result Summary</i></b>	Characterisation Investigation April 1998 (xxxxxx, xx; xxxxxx) Detailed Investigation October 1999 (xxxxx ref; xxxxxxx) Tank contents, made ground and groundwater impacted by PAHs
<b>6.0</b>	<b><i>Remediation Works</i></b>	
6.1	<i>Remedial Works</i>	Excavation of contents of subsurface structures and available made ground within structural constraints
6.2	<i>Works Details (Dates, Engineer, Main Contractor)</i>	Engineer; xxxxxxxx Main Contractor; xxxxxxxxx Dates; April 2000
6.3	<b><i>Validation Works</i></b>	Validation samples collected on completion of each area of excavation, submitted for totals and leachability analysis, results pending
6.4	<b><i>Warranties Provided</i></b>	none
6.5	<b><i>Third Party Approval Details</i></b>	TBA
<b>7.0</b>	<b><i>Pollutant linkages</i></b>	
7.1	<i>Significant Pollutant linkages Identified</i>	<b>source</b> ; tar well contents, <b>pathway</b> ; permeable groundmass, <b>receptor</b> ; controlled water <b>source</b> ; PAH contaminated fill and drift, <b>pathway</b> ; permeable groundmass, <b>receptor</b> ; controlled water
7.2	<b><i>Pollutant linkages Identified</i></b>	None identified
7.3	<i>Significant Pollutant linkages Subject to Remediation</i>	<b>source</b> ; tar well contents, <b>pathway</b> ; permeable groundmass, <b>receptor</b> ; controlled water

		<b>source</b> ; PAH contaminated fill and drift, <b>pathway</b> ; permeable groundmass, <b>receptor</b> ; controlled water
		<b>source</b> ; gas holder base contents, <b>pathway</b> ; permeable groundmass, <b>receptor</b> ; controlled water
7.4	<b>Pollutant linkages Subject to Remediation</b>	None identified
7.5	<i>Significant Pollutant linkages Present post Remediation</i>	None identified
7.6	<i>Pollutant linkages Present post Remediation</i>	n/a
8.0	Works Required	
8.1	<i>Site Investigation Required</i>	Intrusive SI of adjacent portions of gasworks site
8.2	<i>Site Investigation Pending</i>	None
8.3	<b>Remedial Works Required</b>	None Identified
8.4	<b>Remedial works Pending</b>	None
9.0	<i>Statutory Notices Served</i>	None
10.0	Operational Management and Maintenance Required	
11.0	Overall Environmental Risk Rating	Groundwater <b>low</b> , site users <b>low</b> .
	<b>Notes</b>	

Figure 29 Example of database entry

## 12.2 Details entered on public contaminated land register

The following is a summary of the information prescribed by section 78R of the Act to be recorded on the Public Contaminated Land Register (full details are presented in The Contaminated Land (England) Regulations 2000 and DETR Circular 02/2000) :-

- Remediation notices
  - Details of the appropriate person
  - Site details
  - Pollutant linkages identified
  - Site's current use
  - Remediation action required
- Remediation notice appeals

- Remediation declarations (prepared by the enforcing authority)
- Remediation statements
- Appeals against charging notices
- Special sites designations
- Notification of claimed remediation
- Convictions for offences under section 78M of the Act
- Other environmental controls

The public register will be recorded in electronic format and will be available on the council website and for personal inspection free of charge at the council's offices during office hours. It is not required that an appointment is made, however, the availability of staff competent to answer any matters that may arise from inspection of the register cannot be guaranteed without prior notification.

### **12.3 Provision of information to the Environment Agency**

The regulations require the Council to notify the Environment Agency whenever a site is determined to be 'contaminated land' and when remediation notices, statements or declarations are issued or agreed. Pursuant to the regulations the Environment Agency is required to prepare an annual report detailing the state of contaminated land in England and Wales and the Local Authorities are required to provide information on:

- strategy effectiveness and progress
- the amount of contaminated land identified
- the types of contamination identified
- the remediation works carried out.

A memorandum of understanding has been compiled by the Environment Agency (EA) and Local Government Association (LGA) that describes how information will be exchanged. The council will therefore exchange information with the EA following the guidelines agreed by this national forum.

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**Wiltshire Council**

**Cabinet**

**24 May 2010**

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**Subject: Wiltshire Council Voluntary and Community Sector (VCS) Funding Framework**

**Cabinet Member: Councillor John Thomson, Deputy Leader and Cabinet Member for Adult Care, Communities and Libraries**

**Key Decision: No**

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## **Executive Summary**

1. The purpose of this report is to set out proposals on how the Council will support the Voluntary and Community Sector, (VCS) by clarifying its funding processes to ensure they are clear, equitable and accessible. Approval of the proposal will ensure that for the first time, a model of funding the VCS will be consistently applied across the Council. If Cabinet approve the recommendations in this report they will be put before the Board of NHS Wiltshire.
2. In 2008 the Council approved 13 recommendations made in the Council and NHS Wiltshire Review of Working with the Voluntary and Community Sector. An update on the recommendations is attached at Appendix 1. This report looks particularly at the development of Recommendation 5, which proposes that the Council and PCT jointly adopt the “shopping, giving and investing framework set out in the review report”. The VCS have requested a change of wording to grants, procurement, investing, (‘grants’ replacing ‘giving’ and ‘procurement’ replacing ‘shopping’) The report also considers recommendation 8 which proposes the implementation of the Full Cost Recovery framework.
3. This report describes how the work has been taken forward with the engagement of the Voluntary and Community Sector, (VCS), and identifies the major issues.
4. The potential concern for the Council is that without timely intervention to encourage collaborations and mergers, Wiltshire could lose small high quality organisations that have a real understanding of their communities and target groups.

They will not have the capacity or the evidence to tender to deliver services across Wiltshire by April 2011, nor will they be clear about the grant funding process.

5. The report identifies that many of the current Council procurement processes are being reviewed. As reviews of regulations, policies and procedures are being undertaken, they will need to take account of the impact on the VCS and some of our procurement practices will need to evolve in order to allow the Council to make best use of the resources available. This will include commissioning and decommissioning strategies.
6. The report accepts the principles of 'full cost recovery', which is a framework to enable the VCS to properly cost its services. This ensures the sector can tender and be certain that the budget covers all costs. The Council cannot be bound by full cost recovery principles where it awards a **grant** towards an activity or service, as opposed to **commissioning** a specific service.
7. The report identifies the process for taking forward the monitoring and evaluation of all resources provided to the VCS, where an organisation has funding from the Council. The performance assessment framework, which sits alongside the funding framework, is still being developed in partnership with the Wiltshire Infrastructure Consortium and a few small voluntary organisations.
8. The funding framework once agreed will form part of a suite of documents that will include the performance assessment framework (Recommendation 7) and a quality standard for the VCS (Recommendation 9).
9. The Council has recently participated in a government sponsored Partnership Improvement Programme (PIP), delivered through the IDeA (Improvement and Development Agency). As a result of this programme, it has been agreed that the Council and NHS Wiltshire will work with the Wiltshire Infrastructure Consortium (WIC)<sup>1</sup> to make agreements between those statutory organisations and the VCS, including negotiation on any changes to funding of the VCS that should arise.

## Proposal

Cabinet is asked to:

1. Agree to the arrangements set out in the report for adopting a 'grants, procurement and investing' model for funding the Voluntary and Community Sector, and to endorse that wording as the preferred option of the VCS in Wiltshire (it replaces the suggested wording of 'shopping, giving, investing')  
The full funding framework template is attached at Appendix 3;

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<sup>1</sup> Wiltshire Infrastructure Consortium is a partnership of generalist and specialist VCS infrastructure support organisations from across Wiltshire

2. Agree the application of the full cost recovery model set out in the report as it applies to commissioned services (excludes grant provision);
3. Agree to the principle of removing current more cumbersome arrangements for the award of grants so that arrangements for grants to VCS organisations up to a maximum of £25k can be awarded without the need for quotations that are more appropriate for procured services. A working group of relevant Council staff including procurement and legal representation could complete the necessary work on eligibility criteria and processes for implementation by 1<sup>st</sup> April 2011 and
4. Agree to delegate the responsibility for finalising the detail of the VCS Funding Framework to the Head of VCS Strategy in consultation with the portfolio holder for DCS. This will allow the Performance Framework and quality standard elements of the work to be incorporated into the Funding Framework prior to implementation from 1<sup>st</sup> April 2011.

### **Reason for the Proposal**

The proposal represents a clear and transparent process for setting out Council funding of the Voluntary and Community Sector. At present there is no unified Council process, but a number of arrangements brought together from five former councils.

**Niki Lewis, Service Director for Communities, Libraries, Heritage & Arts**

**Wiltshire Council**

**Cabinet**

**24 May 2010**

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**Subject:** **Wiltshire Council Voluntary and Community Sector (VCS) Funding Framework**

**Cabinet Member:** **Councillor John Thomson, Deputy Leader and Cabinet Member for Adult Care, Communities and Libraries**

**Key Decision:** **No**

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**1. Purpose of the Report**

1. The purpose of this report is to set out how the Council will support the Voluntary and Community Sector (VCS), by clarifying its funding processes to ensure they are clear, equitable, accessible and consistently applied across the Council. This will enable the VCS to better support the Council to deliver its strategic objectives and to contribute to more resilient communities in Wiltshire. It will be the first time that there has been a clear model of Council funding that has been agreed with the voluntary sector.
2. This Funding Framework needs Cabinet approval in order to inform the funding arrangements for 2011 and beyond. If Cabinet approve the recommendations contained in this report, they will be put to the Board of NHS Wiltshire.

**2. Background and Context**

1. The Council recognises and acknowledges the 'added value' that the third sector can bring to service provision and the importance that the relationship with the third sector has on the quality of life for Wiltshire residents
2. Government coined the term 'Third Sector' to be of equal value, but different from, the statutory and business sectors. Generally the voluntary and community sector do not like the term 'Third Sector' as they feel it implies they are third ranking. Many authorities use the term Voluntary and Community Sector, (VCS), as interchangeable for third sector, as is the case in Wiltshire.



3. This Funding Framework has been developed in consultation with the VCS through a part time secondment of a Chief Officer from a support organisation, to Wiltshire Council.

It has also been progressed through the Corporate VCS Working Group which is responsible for ensuring consistency throughout the range of reviews that are being undertaken (including procurement and commissioning reviews), and links with the Corporate Procurement and Commissioning Board.

4. Any Funding Framework must meet the commitments of the Council to the Wiltshire Compact, the agreed set of principles within which the statutory agencies and the VCS work together. The Wiltshire Compact code of practice on funding and procurement will be revised and informed by this Voluntary and Community Sector Funding Framework.
5. The 'Working with the Third Sector' report produced by the Audit Commission 2005 said 'Funders need to be clearer about the purpose of funding, and decide for each funding programme whether they are engaged in supporting a worthy cause ('giving'), procuring services ('shopping') or in building capacity in the sector ('investing').'
6. Recommendation 5 of the Review to 'adopt the 'shopping, giving, investing' framework was informed by the above point 5. Recommendation 8 of the Review was to adopt the principles and practice of the full cost recovery framework covered later in this report.
7. The Review identified that in 2007/08, funding from the Council and NHS Wiltshire contributed to around 400 different organisations, mostly in Wiltshire, delivering more than 1100 different services or projects. It was identified that £18.1 m of council funding was received by the VCS excluding the contracts for residential and nursing care. It identified that the Council and VCS work closely together to deliver services for Wiltshire people. In 2009/10 the Council spent £25m with the VCS in Wiltshire, excluding residential and nursing care.
8. Consultation with the voluntary and community sector has demonstrated that they are keen to work with the Council and NHS but are opposed to the terms 'shopping, giving and investing'. Their preference is for 'grants, procurement and investing'. They understand that the Review stated that the funding framework must be aligned with strategic and corporate objectives so that the Council and NHS can meet performance objectives, achieve best value and ensure accountability for public funding. See tables 1 and 2 below.

## Current Model

Table 1

Resource	Process
Small Grants of up to £5K	A simple application process via Area Boards or A non competitive process
Grants £5K - £25K	3 quotes required 2 must come from Buy Wiltshire*
Grants £25K - £100K	5 quotes required 3 must come from Buy Wiltshire
Over £100K Total Contract Value	A tender process required unless formal exception or exemption agreed

\* Buy Wiltshire is an initiative developed to promote local business trading and to facilitate networking

## Proposed Model 'Grants, Procurement and Investing'

(For Use on completion of Funding Framework application process

Table 2

<p><b>Grants up to £25k</b> - Funding to a VCS organisation that will not be subject to a competitive tendering process. Current arrangements for Area Board Grants (maximum £5k) are unaffected.</p> <p><b>Grants between £25k - £50k</b> will be subject either to a Service Level Agreement (SLA) or a Partnership Agreement</p> <p><b>Grants above £50k</b> will require formal exemption</p> <p><b>Procurement</b> - the purchase of a service through a tightly specified contract that will have been through commissioning, often a tendering process.</p> <p><b>Investing</b> - building the capacity of the VCS. This is often funding to an infrastructure (support) service to build skills and knowledge of front line organisations but could relate to a specialist organisation e.g. Citizens Advice Bureau.</p>
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(For use on completion of Funding Framework process)

## **1. Main Considerations for the Council**

### **VCS in Wiltshire 2011 and beyond**

1. To sustain a thriving voluntary and community sector the Council has a responsibility to ensure that they create an environment for a thriving voluntary and community sector. This is reported through National Indicator 7 and the Government seek feedback from the VCS (through Ipsos Mori) on the relevance of the Local Authority to the success of the VCS in each Local Authority area.
2. The Council aspiration to support the VCS makes sound business sense and accords with the corporate objectives in relation to resilient communities and in order to ensure this, it is essential that the VCS is clear about the circumstances under which they can apply for funding and understand the processes which determine funding decisions.
3. As part of the exercise to develop this framework it has become clear 'Buy Wiltshire' is not widely known within the voluntary and community sector. VCS organisations who may wish to do business with Wiltshire Council should register on 'Buy Wiltshire' ([www.buywiltshire.co.uk](http://www.buywiltshire.co.uk)) This will be promoted within the VCS by the Council funded support service, since it will be essential for tendering.
4. The VCS in Wiltshire is made up of many small organisations that either only offer a local service or very specialist provision. Without wishing to lose the unique contribution made by these providers, it is clear that there are benefits to be gained by collaborative working and mergers as well as the more obvious removal of duplication, if an organisation is looking for statutory funding.
5. As part of the consultation for this framework the VCS in Wiltshire was clearly becoming more aware of the need to explore collaborative and partnership working arrangements. However more still needs to be done and this is being discussed with the Council funded external support service.

### **Unified Funding Processes and Relationships**

6. Cabinet approved the current grant guidance on 18.11.2005. A revised procurement strategy is now being consulted on, the partnering protocol is being revised and many of the documents and processes that sit beneath these are also being reviewed to ensure they are up to date, robust and meet current standards for good practice.

The responsibility for ensuring that all revised procurement documentation takes account of the VCS, sits with the VCS Head of Strategy through chairing the Corporate VCS Working Group and membership of the Corporate Procurement and Commissioning Board.

7. Some funding awarded to the VCS is based on a partnership agreement and must be guided by the partnering protocol. The definition of a partnership agreement is an agreement between two or more organisations working collectively to achieve shared objectives and outcomes. The partnering protocol is clear about the process that must be undertaken as justification for such an agreement and it must be recorded in the Partnership Register.
8. A register of total Council funding with the VCS is being compiled from across the Council by the VCS Support Unit that will hold the overview of Council spend in the sector. This will include grant funding not described in either the register for contracts or for partnering agreements.

### **Full Cost Recovery**

9. The perception of the VCS is that the Council sometimes expects the voluntary sector to provide services at less than commercial cost price and in addition will deliver 'added value'.
10. In the Review's Recommendation 8, it was agreed that the Council would adopt the principles and practice of the full cost recovery framework. It was accepted that this needed further discussion before practical application could proceed. Full cost recovery ensures that a proportion of indirect costs, as well as the direct costs of running the service, are added to the cost of the project. Clarity was required about whether adopting these principles applies across the board or only to procured services as there is some concern within the Council that full cost recovery principles can lead to double funding aspects of VCS provision rather than extending services. An overview of grant funding is now held by the VCS Support Unit and this information can be seen alongside both the contract and partnership registers, to ensure that double funding does not occur, when full cost recovery principles are applied.
9. It also became clear during consultation that many VCS organisations do not fully understand the full cost recovery process and implications. A number of training courses have now been delivered and further courses are planned in order to improve understanding across the sector. This will ensure that the VCS are able to properly cost their services so that if they wish to enter a tender process they are clear about what is required from the tender specification.

They need to assure themselves the service they are planning to deliver can be afforded within the Council's available budget.

12. Some organisations may decide to tender at a reduced price to get market advantage but that would be the organisation's commercial decision and not a matter for the Council.
13. It is proposed that where the Council awards a grant it should not be bound by 'full cost recovery' as Council funding will only be a contribution towards the service (or activity) and not the total cost. Only where the Council is buying a whole service from a VCS organisation should the Council's commitment to full cost recovery be implemented.
14. A brief summary of full cost recovery principles is attached at Appendix 2
15. The Corporate Funding Framework template can be found at Appendix 3.

### **Monitoring and Evaluation**

16. In Service Level Agreements (SLAs) and contracts between the Council and the VCS there must be clarity about the required outputs<sup>2</sup> and outcomes<sup>3</sup> and how the effectiveness of the contract will be monitored.
17. It will be important to monitor the soft outcomes (qualitative) as well as statistical information (quantitative). This will help the sector identify how they contribute to tackling exclusion, inequality and disadvantage. In partnership with the Council and other statutory partners this can contribute to making communities much stronger and more self-reliant.
18. The monitoring and evaluation process, whilst essential must be proportionate to the money being awarded. An agreed performance framework, to include a VCS quality mark for Wiltshire, is currently being developed by the Council in partnership with the VCS and the Wiltshire Infrastructure Consortium<sup>4</sup>.
19. The quality mark will enable organisations to be fast tracked through some of the Council funding processes. The quality mark will show that an organisation has been deemed 'fit for purpose', demonstrating all the hallmarks of a good charity or 'not for profit' business. National quality marks will also be evidence of the quality of an organisation

## **4. Environmental Impact of the Proposal**

1. There is no negative environmental impact associated with the VCS funding framework. By openly supporting a range of organisations

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<sup>2</sup> Outputs are activities / actions / targets to be achieved

<sup>3</sup> Outcomes are the difference the outputs have made.

<sup>4</sup> Wiltshire Infrastructure Consortium is a partnership of generalist and specialist VCS infrastructure support organisations from across Wiltshire

through the model of grants, procurement and investing, Council funding is clearly made available for small and innovative projects at the local level.

## **5. Equalities Impact**

1. The Funding Framework is designed to ensure it is inclusive of all voluntary and community organisations including very small and specialist providers and community groups. A transparent funding framework supports the Council's objective of open decision making.

## **6. Risk Assessment**

1. The risk of not implementing a new framework is that the VCS in Wiltshire would be likely to decline in a challenging financial environment.
2. If the VCS is not clear how funding decisions are made when financial restrictions are necessary the Council could lose the recent improvements in the relationship with the VCS.
3. There is a risk of confusion both internally and externally if the Council does not bring together past good practice from the 5 former councils into one harmonised framework.

## **7. Financial Implications**

1. There are no additional cost implications to the Council in implementing the proposed VCS Funding Framework.
2. Decisions about funding the VCS for 2011 will be made during 2010 – 2011 and discussed with the sector. They are being encouraged to consider their future priorities to ensure they survive and thrive.
3. Funding decisions made through the funding framework will be within budget availability. I.e. the Funding Framework is a decision-making framework.

## **8 Legal Implications**

1. All commissioning must comply with the Council's Financial Regulations and Standing Orders in relation to Contracts.
2. The EC Procurement Directives are applicable to all procurements.
3. All activity must comply with the requirements of the Data Protection Act 1998 and Freedom of information Act 2000.

**Niki Lewis, Service Director for Communities, Libraries, Heritage & Arts**

Report authors:

Sandie Lewis  
Head of Strategy VCS Support Unit

Margaret West  
Chief Officer  
Voluntary Action Kennet  
(secondee)

27th April 2010

### **Background Papers**

- The Wiltshire Council and PCT Review of its relationship with the VCS
- Cabinet minute 164 18/11/2005
- Working with the Third Sector National Audit Commission 2005

### **Appendices**

1. An update on progress against each of the recommendations in the Review of Working with the Voluntary and Community Sector.
2. A brief summary of full cost recovery principles
3. The Corporate Funding Framework template

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**An update of the Recommendations in the Wiltshire Council / NHS Wiltshire Review with the Voluntary and Community Sector**

**Recommendation 1**

**The Council, NHS Wiltshire and the VCS together determine the most effective way of mapping and assessing the economic and social impact of the voluntary and community sector in Wiltshire**

Still to be addressed – on work plan for VCS Unit - possibly with placement input 2010/11. N.B. This work is being undertaken for South West Forum, but with a longer timescale.

**Recommendation 2**

**The Wiltshire Infrastructure Consortium- WIC, the Council and NHS Wiltshire jointly explore the potential for clear proposals that will lead to the creation of a single infrastructure gateway.**

Still to be addressed – in discussions with VCS currently.

**Recommendation 3**

**WIC, the Council and NHS Wiltshire jointly initiate/explore the potential for the development of a single VCS Assembly for Wiltshire with an agreed timescale.**

WIC created a proposal which the VCS accepted at its first meeting with the wider VCS in 2008. Two VCS Assemblies took place in 2009 and one on 2<sup>nd</sup> March 2010. Another is planned for later 2010. Date tbc.

**Recommendation 4**

**The Council and NHS Wiltshire review the arrangements for day to day working with representatives of the VCS ensuring as far as possible there is ease of access, continuity of officer relationships and problem solving assistance.**

This links to Recommendation 10 and the development of the VCS Support Unit. The new corporate VCS Working Group is agreeing a common standards framework.

**Recommendation 5**

**Wiltshire Council / NHS Wiltshire adopt the ‘shopping’, ‘giving’, ‘investing’ framework set out in the report.’**

Margaret West from Voluntary Action Kennet has been seconded to take the lead on this piece of work and is consulting with the sector now. Paper to Cabinet on funding framework 25<sup>th</sup> May 2010.

**Recommendation 6**

**The Council and Wiltshire PCT develop a transition plan for moving all existing funding arrangements with the VCS to the proposed framework within an agreed timescale.**

This will follow on from Recommendation 5. From 1/4/2010 PCT Grant Funding is coming through VCS Support Unit via section 256 agreement.

**Recommendation 7**

**The Council and NHS Wiltshire conduct further detailed work to scope and implement the outline performance assessment framework.**

Margaret West is seconded to work on this and is currently working in partnership with WIC development manager.

**Recommendation 8**

**The Council and NHS Wiltshire in consultation with the VCS adopt the principles and practice of the full cost recovery framework**

A paper has already been drafted, which will form an appendix to the Funding Framework.

**Recommendation 9**

**The Council and NHS Wiltshire with the VCS will evaluate the potential and assess the implications of PQASSO quality assurance framework to support accreditation of VCS organisations**

Margaret West is working in partnership with WIC. Any system will be proportionate based on the principles of an organisation being 'fit for purpose'. Many organisations have a national quality system to attain and a variety of other options are available to meet specific needs related to the customer base.

**Recommendation 10**

**The Council to scope and implement arrangements for a VCS Support Unit**

The VCS Support Unit opened in July 2009. The email address is [vcs@wiltshire.gov.uk](mailto:vcs@wiltshire.gov.uk) the telephone number is 01225 713510.

**Recommendation 11**

**The Council and NHS Wiltshire review the function and remit of the internal Compact Steering Group**

This function has been incorporated into the Corporate VCS Working Group

**Recommendation 12**

**The Council, NHS Wiltshire with the VCS together review the current Compact and its future operation in the context of the framework of partnership working.**

The Compact Board has developed an action plan which addresses the need to revise the Compact and its codes of practice. This is due to go out for consultation in June 2010. A new Compact Board Chair takes up post in May 2010, (Peter Baxter)

**Recommendation 13**

**Plan and implement a programme to increase the profile and awareness of the Compact**

This forms part of the Compact action plan following Recommendation 12.

## Full Cost Recovery

A model Full Cost recovery was proposed in 2003, following a large number of failed VCS organisations due to insufficiently costing the delivery of services.

At the heart of full cost recovery is the idea that in any organisation there are two types of costs: the direct costs of delivering an activity and the indirect costs of supporting the delivery process and managing the organisation.

### What is Full Cost Recovery?

Full cost recovery means recovering or funding the costs of a project or service. In addition to the costs directly associated with the project, such as staff and equipment, projects will also draw on the rest of their organisation and this will have a cost eg HR, IT etc. The project costs therefore include a proportion of these costs.

Costs are divided into four categories:

**Direct output costs** – direct output costs are the dedicated costs involved in delivering the service. They are the costs involved in employing staff and resources that directly deliver or work with the client.

**Direct support costs** – Direct support costs are the costs involved in supporting and supervising the service delivery. Time involved in supervising project workers would be included here.

Indirect support costs – Indirect support costs pay for organisational functions that provide a base for services to be delivered. This would usually include central management and administration, finance and facilities. They are not directly involved in the service delivery.

Governance and strategic development work includes the costs of meeting regulatory functions and costs involved in developing future activities for the organisation.

The VCS also needs to consider whether there are costs related to:

**VAT** – Voluntary organisations also need to consider whether VAT is chargeable to supply the services. This occurs when the contract is to deliver a service. A grant aid arrangement is to support an organisation and therefore no tax is liable. An organisation needs to register for VAT if the turnover is £68,000 for taxable services/supplies.

**TUPE** – the transfer of undertakings (Protection of Employment) regulations 2006 protect the rights of employees who are transferred from one employer to another, requiring the old employer to inform and consult with staff who are affected and obliging the new employer to maintain certain terms and conditions such as pay, leave and pension entitlements. This can become relevant if an organisation is bidding to take over an existing service.

### **What are the benefits of full cost recovery?**

Promoting full cost recovery has major advantages for **funders** of VCS organisations:

**Accuracy:** Full cost recovery gives funders a true reflection of the cost of the projects and services they support.

**Transparency:** Full cost recovery provides the only clear and defensible cost allocation method, promoting trust between funders and the organisations they fund.

**Efficiency:** Full cost recovery reduces the time spent re-packaging and analysing costs by funders and funded organisations.

**Appropriateness:** Full cost recovery ensures that funders pay for all and only the overheads that support their project, rather than subsidising other projects.

**Sustainability:** Only under full cost recovery can funded organisations survive in the long term, so that their projects and services continue.

By implementing full cost recovery the VCS develops an understanding of the true cost of their work. Such an understanding is essential for financial management and strategic planning across an organisation.

### **What are the views of Wiltshire Council and NHS Wiltshire on full cost recovery?**

In the review of the relationship with the voluntary and community sector, May 08, Wiltshire Council and NHS Wiltshire concluded that in principle they adopted the principles and practice of the full cost recovery framework. However the VCS should be free to determine its approach to pricing in an environment of competitive procurement. Where funding to an organisation is via a grant or investment funding then full cost recovery may not be appropriate or viable.

### **Conclusion**

In moving forward the funding framework the sector needs to ensure organisations have opportunities for learning the full cost recovery approach. The Council and NHS Wiltshire need to be clear when they feel it is inappropriate for full cost recovery to be applied to the whole sum and should negotiate the percentage that relates to fixed costs rather than delivery.

For more information or to share your views on full cost recovery model, please email [vcs@wiltsire.gov.uk](mailto:vcs@wiltsire.gov.uk)

**DRAFT Template**  
**Wiltshire Council Funding Framework**  
**with the Voluntary and Community Sector**

1. **Background**  
 Why the framework has been developed. The purpose of the Framework.
2. **Understanding Commissioning**
  - Concept
  - Principles
  - Models
  - Planning & commissioning cycle
3. **The Value of Commissioning**  
 The aim of obtaining better outcomes for individuals and communities as well as ensuring best use of public funds.
4. **Intelligent Commissioning and Market Management**  
 This will be a diagram showing the process for service users, the market and procurement.
5. **Compact Principles and Code of Practice**  
 A brief overview of the Wiltshire Compact and its codes of practice plus it's role in commissioning.
6. **Sources of Funding**  
 Grants  
 Investing and Partnering  
 Procurement
  - Explaining how these funding sources are used corporately and the regulations governing their use.
  - Removal of duplication
  - The components of the tendering process with examples in the appendices
  - Length of funding awarded
  - A flowchart of the process of commissioning and the different types of funding.
  - Timescales for the sector when procuring/tendering services
7. **Full Cost Recovery**  
 A brief explanation with more detail in the appendices
8. **Legal and Compliance Matters**  
 Legal and regulatory obligations of the Council and matters that need to be considered by the voluntary and community sector.

Types of agreements / contracts

9. **Risk and Risk Management**

Wiltshire Council's requirements and application of risk management processes.

10. **Performance Management Framework**

- a) what the VCS needs to have in place to ensure it encompasses good practice.
- b) quality standards and the Wiltshire mark
- c) monitoring and evaluation
  - how contracts will be proportionally monitored
  - use of self assessments
  - ensuring soft outcomes (qualitative) and well as statistical outcomes (quantitative) are monitored.
  - using stories to demonstrate the difference a service has made to people in Wiltshire, showing inclusion, addressing disadvantage and ensuring equality of opportunities.
  - Evidence of good communication between the contractor and the provider

11. **HR Implications**

This will include TUPE – some basic information and where to get advice.

Pensions – some basic information and where to get advice

12. **Dispute Resolution – other than the Compact process ie procurement regulations**

The process used by the Council

13. **Appendices**

Including : - samples documentation

- More detail regarding processes discussed in the Framework
- Developing social Capital and its importance in meeting the Council's community governance strategy
- Self Assessment process
- Useful background papers

**Wiltshire Council**

**Cabinet**

**24 May 2010**

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**Subject: Private Sector Housing Renewal Insulation Schemes**

**Cabinet Member: John Brady - Economic Development, Planning and Housing**

**Key Decision: No**

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### **Executive Summary**

The purpose of this report is to seek cabinet approval for 4 new schemes to improve the energy efficiency of homes in Wiltshire. The schemes widen the financial help available to householder and will contribute to reducing fuel poverty and carbon emissions.

### **Proposal**

That Cabinet:

1. Approve an amendment to the Private Sector Housing Renewal Interim Strategy and Policy April 2009-2010, adding three new schemes to those already detailed in the Strategy and Policy under Section 10: Financial Assistance:
  - Cavity Wall and Loft insulation Grants for cavity wall and loft insulation for lower income households and those that have been hit by the recession, and do not qualify for other grants.
  - Mobile home sites insulation and heating improvements grants.
  - Cavity wall insulation for flats grants.
2. That the Cabinet member for Economic Development, Planning and Housing is provided with delegated powers to agree suitable schemes under part B of the *Mobile Home Site Energy Efficiency Improvements* grant.

### **Reason for Proposal**

Following a successful bid to the Government Office of the South West we have been given £543,608 from the Regional Housing Pot to assist in improving the private housing stock in Wiltshire with a focus on helping vulnerable households and to help tackle fuel poverty and climate change.

**Graham Hogg, Service Director, Housing**

## Wiltshire Council

### Cabinet

24 May 2010

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**Subject:** Private Sector Housing Renewal Insulation Schemes

**Cabinet Member:** John Brady - Economic Development, Planning and Housing

**Key Decision:** No

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### Purpose of Report

1. The purpose of this report is to seek approval from Cabinet for minor amendments to the Private Sector Housing Renewal Interim Strategy and Policy 2009-2010, to include three new insulation, energy efficiency and heating grant schemes.

### Background

2. The council submitted a bid for £570,000 of capital grant from the Government Office South West (GOSW). In September 2009 the GOSW encouraged bids that improve private sector housing stock particularly for vulnerable households and was keen that any schemes promoted initiatives which tackle fuel poverty and climate change, and encouraged partnership working. On April 10 it was confirmed we were successful and was awarded a grant of £543,608 which came from the Regional Housing Pot Capital Grant 2010/11.

### Main Considerations for the Council

3. To be able to make use of the funding from GOSW to help improve the private housing stock in Wiltshire we would like to introduce three new schemes to form part of the Private Sector Housing Renewal Interim Strategy and Policy 2009-2010 :-

#### **Summary of the schemes**

##### *1. 'Cavity wall and loft insulation grants'*

Aimed at improving the housing of lower income households and those that have been hit by the recession and do not currently qualify for free insulation, with particular focus on those in Private Rented Housing. To include: Households where a member has been made redundant/lost overtime/taken lower paid work/with an unemployed relative in the household; those who earn less than £16,000 pa income; families with children with an income below £22,000 pa; and those between the ages of 60-70.



Applicants will be required to self-certify with a proportion of the applicants being checked. The maximum grant per measure to be £200. Currently after the energy providers reductions, typical costs for a 3 bedroom semi for cavity wall insulation are £135, and £149 for loft insulation.

Selection of a suitable supplier will be in accordance with Wiltshire Council's contract regulations.

As part of Wiltshire Council's commitment to the government's Future Jobs Fund scheme, designed to provide training places for young unemployed, insulation companies submitting tenders will be asked to include proposals for taking on at least 2 Future Jobs trainees. This scheme will enable over 1,000 loft and cavity walls to be insulated. Total expenditure: £250,000.

### *2. Mobile Home Site Energy Efficiency Improvements:-*

Part A: These properties are not covered by other insulation grants, yet are often lived in by older, more vulnerable households. Their construction means that they are poorly insulated and heating is often by electric or LPG heating which means that they are expensive to heat. In many cases it is impossible to maintain a reasonable winter temperature. The scheme would initially allow 15 homes to be improved with insulation and cladding. Expenditure: £125,000.

Part B: It is proposed that an improved heating scheme for a mobile home site be set up, for example community heating scheme, provision of mains gas and/or renewable energy generation by e.g. heat pumps. Since a detailed scheme has yet to be decided upon, it is requested that powers be delegated to the Portfolio holder to agree to such a scheme at a later date. Expenditure £125,000.

### *3. Cavity Wall insulation for flats:*

Full grants provided for blocks of flats. Blocks of flats need to be treated at the same time and if one or more residents object due to cost, the work may be impeded. Access can also be expensive. These factors often present a barrier to improvements being made. It is intended to provide a grant to all residents and also use funds available from Energy Producers. Expenditure: £70,000 to improve around 110 flats.

Eligibility criteria for Insulation Grants can be found in Appendix A

The aims of these new grant schemes is in keeping with :

- Private Sector Housing Renewal Interim Strategy and Policy 2009-2010:  
*'To improve the levels of energy efficiency and reduce fuel poverty in the private sector'*

*'To investigate ways in which the Council can support and raise standards for those living in mobile homes'*

- Wiltshire Council Action for Wiltshire programme, set up to assist Wiltshire residents to cope with the recession
- Wiltshire Council Corporate Action Plan: to reduce carbon emissions across the county
- The Local Area Agreement for Wiltshire

The Comprehensive Area Assessment highlighted that the previous four district councils were not proactive in managing the quality of private sector housing. Mention was also made that the energy efficiency level of homes in the county is low. Although the recent Stock Condition Survey suggests that energy efficiency of the private sector is above the observation made by the CAA it does none the less suggest that the work undertaken in Wiltshire has been less well documented. These schemes, as well as addressing the need for home energy efficiency improvements amongst vulnerable households, also provides a measurable method to show the work that Wiltshire is undertaking.

### **Environmental Impact of the Proposal**

4. The net effect of the insulation schemes will be to reduce fuel consumption in the homes treated, thus reducing domestic carbon emissions, and helping Wiltshire Council to meet its carbon reduction targets and prepare Wiltshire for the consequences of unavoidable climate change.

### **Equalities Impact of the Proposal**

5. The policy detailed herein aims to deliver quality services without prejudice and discrimination to meet the needs of a specific vulnerable group, regardless of age, cultural or ethnic background, disability, gender, marital status, religious or political persuasion or sexual orientation and will adhere to the equality and diversity policy developed by Wiltshire Council.

An equality impact assessment has been carried out during the development of this policy (see attached appendix B) and recommendations from that assessment have been incorporated into the policy amendments

### **Risk Assessment**

6. Risks if proposal is accepted:  
A successful and popular grant scheme may raise expectations that cannot be met by the limited funding available.

Managing risk: Re-apply for extra funding for following financial year, to enable schemes to continue.

Risks if proposal is turned down:

The Council will fail to meet its aims of reducing fuel poverty caused by vulnerable households living in poorly insulated and hard to heat homes. The Council will fail to meet carbon reduction targets.

**Financial Implications**

7. Funding of £543,608 to come from the bid and £26,392 to be made up from the Regional Housing Pot under the formulae evaluation award, giving a total of £570,000.

**Legal Implications**

8. The council can only provide discretionary assistance in accordance with the Regulatory Reform [Housing Assistance] Order 2002, following the adoption and publication of a Private Sector Housing Renewal Strategy. This policy was adopted by full council on 11 November 2009 and this grant scheme represents a minor amendment to the policy, a decision for which can be made by Cabinet.

**Graham Hogg, Service Director, Housing**

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Report Author: James Hudson

Head of Private Sector Housing  
[James.Hudson@wiltshire.gov.uk](mailto:James.Hudson@wiltshire.gov.uk) Tel 01722 434349

Date of report: 27 April 2010

**Appendices**

Appendix A: Eligibility criteria for Insulation Grants  
Appendix B: Equality Impact Assessment

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## **Appendix A**

### **Eligibility criteria for Insulation Grants**

#### **1. Cavity Wall and Loft Insulation Grant:**

##### **1.1. Purpose**

To improve the loft and cavity wall insulation of poor performing homes occupied by vulnerable households and those affected by the recession, who do not qualify for other grant schemes.

##### **1.2. Applicant Eligibility**

- All owner-occupiers and tenants, licensees and occupiers who have an owner's interest or a lease agreement or trust agreement
- Landlord of the property

##### **1.3. Eligibility**

Provided that the applicant falls into any of the following categories:

- Households where a member
  - has been made redundant
  - lost overtime
  - taken lower paid work
  - with an unemployed relative living at home
- The 'nearly poor', with a household income of under £16,000 p.a. gross
- Families with children in full-time education with an income of below £22,000 p.a. gross
- The 60-70 age group

Applicants will be expected to self-certify by signing the application form confirming that they fall into one of these categories, and specifying the category. They will be informed that random quality and eligibility checks will be undertaken.

##### **1.4 Eligible Works**

Properties with uninsulated cavity walls, and/or with less than 100mm of loft insulation will be treated, with cavity wall insulation installed, and loft insulation increased to 270mm.

## **1.5. Conditions of Assistance**

Discretionary Financial Assistance will be made available subject to the following conditions:

1. The applicant is over 18 years of age and applies for assistance on the forms prescribed by Wiltshire Council.
2. That the householder provides a signed declaration confirming their eligibility.
3. The applicant holds either a relevant interest in the property as the owner, leaseholder or under a trust or tenant.
4. If the applicant is a tenant, then the landlord provides written permission.
5. Only work assessed as reasonable, practicable, necessary and appropriate will be eligible for assistance.
6. The payment of Housing Assistance is conditional upon the authority being provided with an acceptable invoice and the work being completed in a professional and satisfactory manner. The payment will be made directly to the contractor on behalf of the householder.
7. Maximum grant per measure installed: £200

## **2. Mobile Home Site Energy Efficiency Improvements Grant**

### **2.1.Part A**

#### **Purpose**

To improve the insulation of mobile homes occupied by vulnerable households with roof insulation and/or wall cladding.

### **2.2. Applicant Eligibility**

All mobile homes occupiers who hold a license to occupy a plot and own the mobile home that they live in.

### **2.3. Eligibility**

Provided that the applicant receives any of the following benefits:

- Housing Benefit (Must be in receipt of a disability benefit, have school age children or be over 60 years old)
- Council Tax Benefit (Must be in receipt of a disability benefit, have school age children, be over 60 years old or suffer from sever mental health problems that make work impossible )
- Income Support (Must be in receipt of a disability benefit, have school age children or suffer from sever mental health problems that make work impossible)

- Income-based Job Seekers Allowance (Must be in receipt of a disability benefit or have school age children)
- Working Tax Credit which includes a disability element where the entitled person has a relevant annual income of less than £15,050
- Child Tax Credit where the entitled person has a relevant annual income of less than £15,050
- Pension Credit
- Either Disabled Living Allowance or Attendance or War Disablement or Industrial Injuries Benefit or learning difficulties, or suffer from severe mental health problems that make work impossible, or over 60 where it is shown that over 10% of their income is spent on fuel.

#### **2.4. Eligible Works**

Mobile homes with inadequate insulation and which are in a sufficient state of repair to have a life expectancy of 20 years or more.



## 2.5. Conditions of Assistance

Discretionary Financial Assistance will be made available subject to the following conditions:

1. The applicant is over 18 years of age and applies for assistance on the forms prescribed by Wiltshire Council;
2. The applicant holds a license to occupy a plot and owns the mobile home that they live in and has done so for the previous 5 years and has made a disclosure and provided supporting evidence. They must make a declaration of intention to remain the property for the foreseeable future.
3. That the site license holder provides written permission that the work can be undertaken.
4. Grants will not be offered for temporary structures, caravans or mobile homes unless they have planning consent for a minimum period of 10 years.
5. An element of the grant or loan can be used to cover the costs of agency fees, planning and building regulation charges, architectural services, specialists surveys, land registry charges and legal costs unless clients choose to pay these costs themselves.
6. No works to commence before approval.
7. Only work assessed as reasonable, practicable, necessary and appropriate will be eligible for assistance.
8. That the life expectancy of any structural items repaired or replaced should be 20 years or more (except in the case of mechanical items where it may be a shorter period).
9. That eligible work must be carried out within 12 months of the date of approval.
10. For work up to £10,000 2 quotes are required. For work above £10,000 three quotes are required.
11. That the work is completed by the contractor whose estimate accompanied the application unless expressly agreed and then the council will reimburse the cheapest price.
12. The payment of Housing Assistance is conditional upon the authority being provided with an acceptable invoice and the work being completed in a professional and satisfactory manner. The payment will be made directly to the contractor on behalf of the householder.
13. Maximum Grant £8,000.

## **2.6. Part B**

### **2.7. Purpose**

To provide alternative, lower cost, and more efficient heating schemes for mobile home sites. This could include community heating schemes, provision of mains gas and/or renewable energy generation.

Following the presentation of a scheme to the Portfolio holder for Housing and Director of Housing, they will consider the merits of providing the assistance and decide whether to make a financial award.

## **3. Cavity wall insulation for flats**

### **3.1. Purpose**

To install cavity wall insulation to blocks of flats where only some residents are entitled to grants through other schemes such as CERT.

### **3.2. Applicant Eligibility**

- All owner-occupiers and tenants, licensees and occupiers who have an owner's interest or a lease agreement or trust agreement.
- Landlord of the property

### **3.3. Eligibility**

All occupiers of flats, subject to freeholder agreement.

### **3.4. Eligible Works**

Blocks of flats with un-insulated cavity walls will be treated, with cavity wall insulation installed.

### **3.5. Conditions of Assistance**

Discretionary Financial Assistance will be made available subject to the following conditions:

1. The applicant is over 18 years of age and applies for assistance on the forms prescribed by Wiltshire Council.
2. The applicant holds either a relevant interest in the property as the owner, leaseholder, tenant or under a trust.
3. That the freeholder is in agreement. Where one or more of the leaseholders does not agree with the works being carried out then the freeholder may make an application.
4. No works to commence before approval.
5. Only work assessed as reasonable, practicable, necessary and appropriate will be eligible for assistance.
6. That eligible work must be carried out within 12 months of the date of approval.
7. The payment of Housing Assistance is conditional upon the authority being provided with an acceptable invoice and the work being completed in a professional and satisfactory manner. The payment will be made directly to the contractor on behalf of the householder.
8. That the maximum grant per flat is £600.

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## Appendix B Equality Impact Assessment

### Stage 1: Screening for Relevance

**Name of the Strategy / Policy / Procedure / Practice**

**PRIVATE SECTOR HOUSING RENEWAL INSULATION SCHEMES**

A scheme to provide insulation grants across Wiltshire

Author; Private Sector Housing

Name: James Hudson

Head of Private Sector  
Housing DNAP

Date:

Signature:

**Does the strategy / policy / procedure / practice require an equality impact assessment (EIA)?**

**1. What are the main aims, purpose and outcomes of the strategy / policy / procedure / practice and how do these fit in with the wider aims of the organisation?**

This is a scheme to ensure progress towards reducing fuel poverty and reducing carbon emissions. To make affordable warmth available to more vulnerable households, householders over 60 not already eligible for help under other schemes, and those residents in the Private Sector affected by the recession. Make improvement in health and well-being amongst vulnerable groups and to reduce numbers of winter deaths and contribute to reducing carbon emissions in Wiltshire.

These fit into the following organisational goals:

High quality, low cost, customer focused services

Work together to support Wiltshire's communities

Work in partnership to support vulnerable individuals and families

Increase opportunities to help young people achieve their potential

Meet housing needs

Reduce our environmental impact

Being inclusive and supporting others

**2. How will these aims affect our statutory duty to:**

1. Promote equality of opportunity- Enable poorer households and those hit by the recession to benefit from energy efficiency improvements.

2. Eliminate discrimination and harassment? Not applicable

3. Promote good community relations and positive attitudes towards disabled people? It is likely that the scheme may identify disabled households and low income households who are eligible for help for insulation under both this scheme and other schemes.

4. Encourage participation of disabled people, including the consideration of more favourable treatment of disabled people? This and other schemes provide more favourable treatment of disabled persons in terms of eligibility for grants in respect to the insulation of mobile homes.

5. Protect and promote human rights? The scheme provides for equitable treatment depending on financial circumstances of all groups.

<b>3. Are there any aspects of the strategy / policy / procedure / practice, including how it is delivered, or accessed, that could contribute to inequality? This should relate to all areas of our statutory duties.</b>
None
<b>4. Will the strategy / policy / procedure / practice have an impact (positive or negative) upon the lives of people, including members of particular communities and groups? What evidence do you have for this?</b>
The scheme is aimed at having a positive impact on the lives of all groups in Wiltshire affected by the recession by making improvements in the condition of homes and will have a positive impact on all groups.

<b>5. Are particular communities or groups likely to have different needs, experiences and attitudes in relation to the strategy / policy / procedure / practice?</b>
N/A

<b>Is an EIA required?</b>			
Yes			
<ul style="list-style-type: none"> <li>• Medium Relevance, therefore a full EIA will be done</li> </ul>			
<b>Author of Screening for Relevance</b>			
Name:	Job title and directorate:	Date:	Signature:
<b>Director Level Sign-off (if EIA will not be done)</b>			
Name:	Job title and directorate:	Date:	Signature:

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## Stage 2: Full Assessment

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### Step 1– scoping the equality impact assessment (EIA)

<b>1.1. Name of the strategy / policy / procedure / practice</b>
<b>PRIVATE SECTOR HOUSING RENEWAL INSULATION SCHEMES</b> A scheme to provide insulation grants across Wiltshire
<b>1.2. What are the main aims, purpose and outcomes of strategy / policy / procedure / practice and how does it fit in with the wider aims of the organisation?</b>
<p>To ensure progress towards reducing fuel poverty and reducing carbon emissions. To make affordable warmth available to more vulnerable households, householders over 60 not already eligible for help under other schemes and those residents in the Private Sector affected by the recession. To make improvement in health and well-being amongst vulnerable groups and to reduce numbers of winter deaths and contribute to reducing carbon emissions in Wiltshire.</p> <p>These fit into the following organisational goals: High quality, low cost, customer focused services Work together to support Wiltshire's communities Work in partnership to support vulnerable individuals and families Increase opportunities to help young people achieve their potential Meet housing needs Reduce our environmental impact Being inclusive and supporting others</p>
<b>1.3. List the main activities relating to the strategy / policy / procedure / practice and identify who is likely to benefit from it</b>
<p>a. Cavity Wall and Loft Insulation Scheme</p> <ul style="list-style-type: none"><li>• Households where a member<ul style="list-style-type: none"><li>○ has been made redundant</li><li>○ lost overtime</li><li>○ taken lower paid work</li><li>○ with an unemployed relative living at home</li></ul></li><li>• The 'nearly poor', with a household income of under £16,000 p.a. gross</li><li>• Families with children in full-time education with an income of below £22,000 p.a. gross</li><li>• The 60-70 age group</li></ul> <p>b. Mobile Homes Insulation</p> <ul style="list-style-type: none"><li>▪ Housing Benefit (Must be in receipt of a disability benefit, have school age children or be over 60 years old)</li><li>▪ Council Tax Benefit (Must be in receipt of a disability benefit, have school age children, be over 60 years old or suffer from severe mental health problems that make work impossible )</li><li>▪ Income Support (Must be in receipt of a disability benefit, have school age children or suffer from severe mental health problems that make work impossible)</li><li>▪ Income-based Job Seekers Allowance (Must be in receipt of a disability benefit or have school age children)</li><li>▪ Working Tax Credit which includes a disability element where the entitled person has a</li></ul>

relevant annual income of less than £15,050

- Child Tax Credit where the entitled person has a relevant annual income of less than £15,050
- Pension Credit
- Either Disabled Living Allowance or Attendance or War Disablement or Industrial Injuries Benefit or learning difficulties, or suffer from severe mental health problems that make work impossible, or over 60 where it is shown that over 10% of their income is spent on fuel.

c. Insulation for anyone living in a flat

**What do you already know about the relevance of the strategy / policy / procedure / practice?  
What are the main issues you need to consider?**

**1.4. What data, research and other evidence or information is available which will be relevant to this EIA?**

Reducing fuel poverty and reducing carbon emissions of homes is a government priority. In “Fuel Poverty in England: The Government’s Plan for Action” published in 2004, the government set a target for the total eradication of fuel poverty by November 2016.

The insulation scheme will add to existing fuel poverty programmes by reaching more people and providing a wider range of support. The scheme builds on existing schemes aimed at producing energy savings including Warm Front and insulation grants from energy companies. In a wider context every individual will be affected by the scheme in terms of its impact in improving energy efficiency and its contribution to reducing the impact of climate change. There are an estimated 20,600 (12.1%) dwellings in fuel poverty in Wiltshire.

By the very nature of fuel poverty, it is almost always associated with those residents on the lowest incomes. 11,300 households (55% of the households in fuel poverty) were households with incomes below £10,000 per annum, with the remaining 9,300 (45%) having incomes above £10,000 per annum. This means that the rate of fuel poverty in more marginalised households with an income below £10,000 was 79%. Nationally it is estimated that just over half of all fuel poor households have an occupant who is aged 60 or over.

Households where at least one occupier has a long standing limiting illness, health problems or a disability were more likely to be subject to fuel poverty. No statistics showing a correlation between gender, gender reassignment, race, religion or belief or sexual orientation and fuel poverty have been identified.

The ethnicity, sexual orientation religion and belief of the resident has no bearing on whether a household is able to benefit for the Wiltshire insulation scheme. There s no evidence to support that the scheme has either a positive or negative impact on these groups.

**1.5. What further data or information do you need to carry out the assessment?**

None



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## Step 2 – Involvement, Consultation and Partnerships

<b>2.1.</b>	
<b>Equality target group</b>	<b>Briefly describe what you did, with whom, when and where. Please provide a brief summary of the responses gained and links to relevant documents, as well as any actions.</b>
<b>Age</b>	Age Concern, Department fo Community Services
<b>Disability</b>	Anchor Staying Put, Ridgeway Care and Repair, Department for Community Services
<b>Gender</b>	
<b>Gender reassignment</b>	
<b>Race</b>	
<b>Religion or belief</b>	
<b>Sexual orientation</b>	
<b>Human rights</b>	
<b>Other</b>	
<b>2.2. If consultation and involvement of specific groups did not take place, please state why</b>	
Involvement /consultation with specific equality groups other than age and disability has not been directly undertaken as the strategy under which this scheme sits sets a broad framework which reflects a which reflect the relevant legislation and guidance. The government guidance for Housing Renewal particularly highlights age, disability and financial vulnerability	

<b>2.3. What do previous consultations show about the potential take-up of any resulting activities or services?</b>
n/a

<b>2.4. How are external partners involved, or how do you are intend to involve external partners, in delivering the aims of this strategy / policy / procedure / practice? (if applicable)</b>
Partner will be involved in highlighting the availability of the schemes.

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## Step 3 – data collection and evidence

<b>3.1. What evidence or information do you already have about how this policy might affect equality, and what does this tell you?</b>
The programme will expand on the existing fuel poverty programmes by including the nearly poor, and those who have experienced a reduction in income due to the recession. It will also provide insulation measures for mobile homes which are not included in existing programmes. This should have a positive impact on households who are older and more prone to cold related illness, the disabled and those on lower incomes or incomes which have been reduced during the recession. There is no evidence that the scheme will have a negative or positive impact on other groups.

<p><b>3.2. What does available data tell you about the potential take-up of any resulting activities or services?</b></p> <p>As the scheme is directed toward reducing fuel poverty, take up will therefore be from households most subject to fuel poverty, i.e. low income households, householders over 60, and those affected by the recession. This is, however, a new scheme and as such no pre-existing data exists detailing take up within the targeted groups.</p>
<p><b>3.3. What additional research or data is required to fill any gaps in your understanding of the potential or known effects of the strategy / policy / procedure / practice? Have you considered commissioning new data or research?</b></p> <p>Advice will be sought from Corporate Equality and Diversity Team and from the Housing E &amp; D officer. However, it should be noted that we are dealing with small populations and any statistical analysis of take up may lack statistical significance as a relevant measure of population breakdown. As such, take up of the scheme will be monitored by the Housing Strategy Team and Private Sector Housing using a more case-by-case, qualitative approach; in order then to identify any unexpected gaps in take up.</p>

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**Step 4 – Assessing impact and strengthening the strategy / policy / procedure / practice**

<p><b>4.1. How does / will the strategy / policy / procedure / practice and resulting activities affect different communities and groups?</b></p> <p>In relation to impact on specific groups, the scheme aims to increase take up of energy efficiency measures. The scheme will not therefore impact adversely on different communities.</p> <p>Details of the scheme will be published in English but we recognise that it will need to be accessible in various formats, including foreign language translation, easy read format, and audio or braille</p>
<p><b>4.2. What measures does, or could, the strategy / policy / procedure / practice include to help promote equality of opportunity?</b></p> <p>The scheme will help poorer households, those hit by the recession, older people and people with disabilities to achieve affordable warmth, and therefore serves to promote equitable opportunities for these groups.</p>
<p><b>4.3. What measures does, or could, the strategy / policy / procedure / practice include to address existing patterns of discrimination, harassment or disproportionality?</b></p> <p>The scheme intends to help repair the disproportional no. of low income households and householders over 60 suffering from fuel poverty</p>
<p><b>4.4. What impact will the strategy / policy / procedure / practice have on promoting good relations and wider community cohesion?</b></p> <p>There is no evidence to suggest that the scheme will have a positive or negative impact.</p>
<p><b>4.5. If the strategy / policy / procedure / practice is likely to have a negative effect ('adverse</b></p>

**impact'), what are the reasons for this?**

There is no evidence to suggest that the scheme will have a negative effect.

**4.6. What practical changes will help reduce any adverse impact on particular groups?**

There is no evidence to suggest that the scheme will have a negative impact.

**4.7. What evidence is there that actions to address any negative effects on one area of equality may affect other areas of equality or human rights?**

The mobile home scheme offers more favourable treatment for disabled people in terms of the financial assessment criteria. As in existing insulation schemes which privilege the eligibility of disabled people, this is a considered measure of positive action, directly intended to reduce fuel poverty among this group.

**4.8. What will be done to improve access to, and take-up of, services or understanding of the policy / strategy / function or procedure?**

The scheme will be communicated to various interest groups and external partners. There will be a process of raising awareness amongst staff.

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## **Step 5 – Procurement and Commissioning**

**5.1. Consideration of external contractor obligations and partnership working**

Any contact will be subject to the council's tendering process and in line with the council's equalities and procurement guidelines and relevant strategy.

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## **Step 6 – making a decision**

**6.1. Summarise your findings and give an overview of whether the strategy / policy / procedure / practice will meet the Council's responsibilities in relation to equality and human rights**

The scheme will further strengthen the council's commitment to improving the energy efficiency of homes and in particular in relation to financially vulnerable groups, households occupied by older people, those who have experience a negative impact following the recession and disabled people.

We believe that the scheme meets the council responsibility in relation to equality and human rights.
<b>6.2. What practical actions do you recommend to reduce, justify or remove any adverse / negative impact?</b>
There is no evidence to suggest that the scheme will have a positive or negative impact.

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### Step 7 – monitoring, evaluating and reviewing

<b>7.1. How will the recommendations of this assessment be built into wider planning and review processes?</b>
The implementation of any recommendation as result of this assessment will be monitored by the Private Sector Housing Team. Should any future schemes be adopted that are similar to this scheme then this information will be used to inform the scheme.
<b>7.2. How will you monitor the impact and effectiveness of the strategy / policy / procedure / practice?</b>
Although it is anticipated that this scheme will only operate until the finance runs out, the impact of its implementation will be assessed through, quantitative and qualitative data analysis after the completion of the scheme.
<b>7.3. Give details of how the results of the impact assessment will be published</b>
Outcome of monitoring will be provided to the service head. The impact assessment will be published once signed off and approved on our web sites and made available to the public via freedom of information. Outcomes of the impact assessment will be made available to the public.

## Step 8 – action plan

Taking into consideration the responses outlined in Steps 1-7, complete the action plan below (if appropriate).				
	Actions	Target date	Responsible post holder and Directorate	Monitoring post holder and Directorate
Involvement, Consultation and Partnerships	See 2.4	August 2010	Private Sector Housing	
Data collection and evidence	n/a			
Assessment and analysis	Analysis of take up of scheme (see 3.3)	ongoing	Housing Strategy Team	
Procurement and Commissioning	See 5.1	September 2010	Private Sector Housing and Procurement	
Monitoring, evaluating and reviewing	Monitoring of take up (see 3.3 and 7.2)	September 2011	Housing Strategy Team and Private Sector Housing	

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## Sign-off

<b>The final stage of the EIA is to formally sign off the document as being a complete, rigorous and robust assessment</b>
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<b>Author of strategy / policy / procedure / practice and EIA</b>
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Name:	Job title and directorate:	Date:	Signature:
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<b>Quality check: screening document has been checked by:</b>
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Name:	Date:	Signature:
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<b>Director level (sign-off)</b>
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Name:	Job title and directorate:	Date:	Signature:
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**Wiltshire Council**

**Cabinet**

**24 May 2010**

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**Subject: Delegation of Services to Town and Parish Councils**

**Cabinet Member: Councillor Dick Tonge – Highways and Transport**

**Key Decision: No**

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## **Executive Summary**

Following approval of the Project work programme by Cabinet in February 2010 all town and parish councils have been contacted and a questionnaire sent asking for information on the services they currently provide and those, currently provided by Wiltshire Council in their area, they may want to deliver. (See **Appendix 1**).

Of the 240 parish councils contacted, 90 responded (37.5%) of whom 44 (18%) expressed an interest in receiving a delegated service. All 16 town councils and Salisbury City Council responded expressing an interest in receiving delegated service(s). (See Section 13 and **Appendix 2**).

Of the 13 possible options 4 services were identified as being suitable and capable of being delivered by town or parish councils as pilot schemes: Allotments, Public Conveniences, Public Open Space and Play Areas. (See Section 4).

Work to complete the transfer of two areas of public open space in Chippenham has been suspended. The Town Council has asked Wiltshire Council to identify the open spaces and/or services they wish to delegate which they believe should include Monkton Park, and that we provide costed proposals for further discussion. Proposals for the transfer of Allotments in Trowbridge and Bradford on Avon (see Section 5) and the transfer of Play Areas in Collingbourne Ducis (see Section 8) are currently being finalised. Five of the town councils and Salisbury City Council have expressed an interest in taking on the public conveniences, subject to adequate budget transfer. Work is currently in progress to prepare the necessary financial information. (See Section 6).

As requested by Cabinet at their meeting in February the delegation of the Street Naming and Numbering function was examined but found that the current procedure was not suitable for delegation. At a future meeting Cabinet will consider recommendations to introduce a new procedure, which will enable aspects of the function to be delegated to town and parish councils. (See Section 11).

## **Proposal**

That Cabinet notes the report and approves the proposals for the continuation of the project as follows:

1. to concentrate on the delegation of allotments, public open space and public conveniences with the relevant councils, which at present includes: Bradford on Avon, Calne, Chippenham, Collingbourne Ducis, Corsham and Trowbridge;
2. to complete visits and discussions with town and parish councils who have expressed specific interest in either Public Conveniences, Public Open Space or Play Areas where there is the capability to take them on and
3. to undertake discussions with existing contractors to consider the possibility of transferring management of contracts in town council areas.

## **Reason for Proposal**

To record that updated information has been provided for the Cabinet, and to agree the forward work programme.

**Mark Smith**  
**Director of Neighbourhood Services**



## Wiltshire Council

### Cabinet

24 May 2010

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**Subject: Delegation of Services to Town and Parish Councils**

**Cabinet Member: Councillor Dick Tonge – Highways and Transport**

**Key Decision: No**

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### Purpose of Report

1. To update Members of progress to date of the proposed work programme as approved by Cabinet on 23 February 2010.

### Background

2. Cabinet approved that at the completion of this project there will be:
  - A re-establishment of contact on a working basis with town and parish councils and other stakeholders.
  - A prioritised list of services identified as being suitable and capable of being delivered by town or parish councils.
  - Pilot scheme(s) developed and working in partnership with town and/or parish council(s).
  - A process to assess the practical, organisational and financial impact of the delegation of those services on Wiltshire Council and the receiving council.
  - A clearly defined consultation, evaluation and decision making procedure to deal with applications for the delegation of services to town or parish councils.
  - Clearly defined terms and conditions, and form of agreement for the delegation of services to town or parish councils.

### Progress to date

#### 3. Response from Town and Parish Councils

All town and parish councils have been contacted with a questionnaire to establish current interest in taking on delegated services from Wiltshire Council. (See **Appendix 1**)

Of the 240 parish councils contacted, 90 responded, of whom 44 expressed an interest. The 16 town councils and Salisbury City Council were contacted, all of whom responded and expressed an interest. (Please also refer to Section 13 of this report and **Appendix 2**)

#### 4. **Selection of Services for Delegation**

Town, parish and community councils have powers that enable them to provide, manage or maintain services, facilities or functions. (See **Appendix 3**). Of the 13 possible options six services were identified as being suitable and capable of being delivered by town or parish councils and to be progressed as part of this project:

Allotments, Public Conveniences, Public Open Space, Play Areas, Maintenance of Roadside Verges and Repair to Rural Footpaths & Bridleways.

Priority is being given to develop pilots involving Allotments, Public Conveniences, Public Open Space and Play Areas where there is a positive interest expressed by a town or parish council with the capability to take them on.

Although not a service delegation issue, a number of councils expressed an interest in developing Bye Laws and Dog Control Orders.

#### 5. **Allotments**

Wiltshire Council has allotments in Trowbridge and Bradford on Avon. Both councils are interested in taking on these allotments. A proposal is being prepared for submission to both Councils. Bradford on Avon has also expressed an interest in the local management and maintenance of the allotments owned by the Col William Llewellyn Palmer Trust at Sladesbrook which is currently undertaken by Wiltshire Council.

#### 6. **Public Conveniences**

Town councils have expressed an interest in taking on the public conveniences, subject to adequate budget transfer. Work is currently in progress to prepare the necessary financial information. The provision and maintenance of public conveniences in the former West Wiltshire area is contracted to a third party provider. Therefore, any negotiations may need to wait until the contract expires in 2012.

#### 7. **Public open Space**

Work to complete the transfer of two areas of public open space in Chippenham has been suspended. The Town Council has asked Wiltshire Council to identify the open spaces and/or services they wish to delegate, which should include Monkton Park, and provide proposals with indicative costings for further discussion.

Discussions continue with other town and parish councils on a number of suitable sites. The maintenance of grounds and open spaces in the former West Wiltshire area is contracted to a third party provider. Therefore, any negotiations may need to wait until the contract expires in 2012.

#### **8. Play Areas**

Discussions have taken place with Collingbourne Ducis Parish Council regarding the delegation of maintenance and transfer of the assets of the Saunders Meadow and Saxon Rise play areas.

Other councils have expressed an interest in taking over play areas and these will be considered following the outcome of the delegation at Collingbourne Ducis.

#### **9. Maintenance of Roadside Verges**

Although not being considered as a priority, the maintenance of roadside verges under licence in both rural and urban areas will also be investigated. There are specific instances where the delegation of the maintenance of small areas can be implemented fairly quickly without impact on the current service provision.

#### **10. Rural Footpaths & Bridleways**

There are a number of examples of good practice within parish councils working with community groups to repair and maintain rural footpaths & bridleways which will be followed up and promoted to other councils when resources permit.

#### **11. Bye Laws and Dog Control Orders**

Although not a service delegation issue, a number of councils would be interested in help from Wiltshire Council to introduce Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005 and arrange necessary training for their officers/employees to issue fixed penalty notices.

#### **12. Street Naming**

At the Cabinet Meeting on 23 February 2010 Members asked that the potential for delegating the Street Naming function be investigated as a priority. This was completed but concluded that delegation or devolution of the function with the current procedures would prove an extremely onerous burden on towns and parishes for very little gain. Recommendations to introduce a new procedure, which will enable aspects of the function to be delegated to town and parish councils will be considered by Cabinet at a future meeting.

## Considerations

### 13. **What is the appetite for receiving delegated services?**

#### Parish Councils

Of the 240 parish councils canvassed 44 of the 90 who responded expressed any interest in taking on delegated services, but not all the same service(s). No more than 12 councils expressed interest in any one service. One can assume that the 150 councils who declined to reply have no capacity or aspiration to take on a delegated service. It could be understood from this that Wiltshire Council will need to continue providing the current range and level of services in 82% of the parish council areas with a mixture of services and service provider in 18%.

#### Town Councils

Of the 16 town councils and Salisbury City Council eight have the resource and infrastructure to maintain their own amenity and recreation sites and have expressed a positive interest in taking on public conveniences and public open space currently maintained by Wiltshire Council, providing the funding is acceptable. The remaining councils either have limited resources or rely upon contractors to undertake work on any public open space or facility that they may own but most have expressed an interest in taking on their “high community profile” sites, again subject to adequate funding.

### 14. **Impact on our Customers and Council Tax Payers**

Delegating appropriate key local services to town and parish councils according to local needs does mean different services and facilities will be provided and maintained by different organisations in different towns or parishes. Communicating who does what and where and ensuring that our customer services team have the correct information readily available will be very important.

### 15. **Cost and Savings**

Following the Pilot Schemes control will need to be exercised over the programme of further delegations to ensure where necessary staffing structures can be adjusted to reflect the reduction in workload otherwise this will increase the cost of the remaining work.

### 16. **Impact on Staff**

The pilots currently being implemented will have minimal impact upon the Council's staff. However, the delegation of maintenance work on major sites (e.g. Monkton Park in Chippenham) will require adjustments to staffing and equipment resources at an operational level.

It is unlikely that the delegated work will neatly fall into “whole” person transfers as the work on one site may be carried out by different teams with different skills. We may have to consider packaging tranches of work to enable delegating “whole” members of staff. This may necessitate the transfer of Wiltshire Council staff under TUPE regulations to a town or parish council.

#### 17. **Contracted Out Services**

The majority of grounds maintenance work in the areas covered by the former West Wiltshire and Salisbury District Councils is currently contracted to a third party provider and due to expire in 2012. Any delegation of the management or maintenance of grounds in these areas prior to the contract expiry date would require negotiation and agreement with the current contractor.

Similarly there is a contract for the provision and maintenance of public conveniences in the former West Wiltshire area which expires in 2012. Any significant variations to the current contract may incur financial penalties.

#### **Future Work Programme**

18. Concentrate on the delegation of allotments, public open space and public conveniences with the relevant councils, which at present includes: Bradford on Avon, Calne, Chippenham, Collingbourne Ducis, Corsham and Trowbridge.
19. Complete visits and discussions with town and parish councils who have expressed specific interest in either Public Conveniences, Public Open Space or Play Areas where there is the capability to take them on.
20. Undertake discussions with existing contractors to consider the possibility of transferring management of contracts in town council areas.

#### **Risk Assessment**

21. The political risk or risk to the reputation of the Council, should the project conclude that the delegation of some or all of the potential services is not practical or viable is assessed to be low/medium (6/16). No change.
22. The political risk or risk to the reputation of the town or parish councils, should the project conclude that the delegation of some or all of the potential services is not practical or viable, is assessed to be low/medium (6/16). No change.
23. The political risk or risk to the reputation of the Council, if there is no consistent approach adopted throughout the County in relation to those services to be provided by Wiltshire Council and those to be provided by local councils, is assessed to be medium (9/16). No change.

## **Financial Implications**

24. To be considered as part of the project.

## **Legal Implications**

25. The current report does not raise any legal issues, however as this project develops there will be significant legal issues that will need to be carefully managed to ensure compliance with the Council's legal obligations and duties. Therefore, timely support and advice from the Legal Department of the Council will be required at all subsequent stages in the management and development of this project.

## **26. Conclusion**

Cabinet is asked to consider this report and agree the proposals contained therein.

**Mark Smith**  
**Director of Neighbourhood Services**

Report Author  
**Bob Chequer**  
Services Development Manager  
Tel No: (01380) 734861

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**The following unpublished documents have been relied on in the preparation of this Report:**

None

### **Appendices:**

**Appendix 1:** Copy of questionnaire sent to town and parish councils with covering information.

### **Appendix 2:**

Table 1 - Combined response – Parish Councils  
Table 2 - Combined response – Town Councils

**Appendix 3:** Selection of services suitable for delegation

### Guidance Notes

I hope you find this questionnaire quick and easy to complete. The information you provide will help shape the way the project progresses.

Note: At the top of the page there are two quick response boxes:

- If your Council does not provide any of the services listed please answer N or No in the box
- If your Council is not interested in providing any delegated service please answer N or No in the box.

Column 1

- Please mark whether your Council currently provides the listed service. Y/Yes.

Column 2

- If you have answered Yes against a service in column 1 please mark in column 2 whether the service is funded by a parish precept. Y/Yes. N/No.

Column 3

- If you currently do not provide one or any of the services listed but would be interested in doing so in the future please mark column 3. Y/Yes.

Answering Yes in column 3 does not commit your Council to receiving that service, we are only gauging potential interest, but if you would like to be considered to be involved in a pilot to run a delegated service please mark Y/Yes in the box at the bottom of the questionnaire.

I would be grateful if you would complete and return to me at your earliest convenience.

Thank you for your help.

Bob Chequer

<b>Services that may be provided by Town or Parish Councils</b>				
Name of your Council:				
If your Council provides none of the services listed below please mark N/No here:				
If your Council does not wish to provide any delegated service please mark N/No:				
There are a number of powers which have been vested in town, parish and community councils by Act of Parliament which include the powers to:		<b>1</b>	<b>2</b>	<b>3</b>
		<b>Currently Provide</b>	<b>Funded by Parish Precept</b>	<b>Interested in providing</b>
		<b>Y</b>	<b>Y/N</b>	<b>Y</b>
Provide and Maintain:	Allotments			
	Burial grounds & cemeteries			
	Closed churchyards			
Make:	Bye Laws & Dog Control Orders			
Provide and equip buildings for use as	Community centre, sports or social club.			
	Public buildings/village hall for offices and public meetings			
Repair:	Footpaths & bridleways			
Maintain:	Roadside verges			
Provide and maintain:	Lighting - roads & public places			
	Off street parking			
	Street furniture			
	Litter bins			
	Bus shelters			
	Road signs and other notices			
Contribute to:	Road safety & traffic calming			
Provide:	Public conveniences			
Maintain, repair, protect or adapt:	War memorials			
Acquire land for or to provide, manage and control:	Open spaces			
	Recreation grounds			
	Pleasure grounds			
	Playing fields			
No particular power necessary but services provided by some councils include:	Common pastures			
	Markets			
	Recycling			
	Leisure & Tourism			
	Issue of vouchers			
	Street naming			
	Street cleaning			



<b>Services that may be provided by Town or Parish Councils</b>			
Name of your Council:			
If your Council provides none of the services listed below please mark N/No here:			
If your Council does not wish to provide any delegated service please mark N/No:			
There are a number of powers which have been vested in town, parish and community councils by Act of Parliament which include the powers to:	<b>1</b>	<b>2</b>	<b>3</b>
	<b>Currently Provide</b>	<b>Funded by Parish Precept</b>	<b>Interested in providing</b>
	<b>Y</b>	<b>Y/N</b>	<b>Y</b>
If you provide any other service please add:			
Would your Council be interested in taking part in a pilot project?			

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**APPENDIX 2  
TABLE 1**

Parish Councils			
	Currently Provide	Paid by Precept	Interested to Provide
Allotments	23	14	8
Burial grounds & cemeteries	25	22	0
Closed churchyards	10	6	1
Bye Laws & Dog Control Orders	4	3	11
Community centre, sports or social club	13	10	3
Public buildings/village hall for offices and public meetings	25	14	8
Repair footpaths & bridleways	24	13	12
Maintain roadside verges	9	6	12
Lighting - roads & public places	6	4	3
Off street parking	7	6	4
Street furniture	33	27	6
Litter bins	24	20	7
Bus shelters	57	48	5
Road signs and other notices	6	6	4
Road safety & traffic calming	8	3	19
Public conveniences	6	5	2
War memorials	28	25	0
Open spaces	25	22	10
Recreation grounds	44	40	4
Pleasure grounds	15	13	1
Playing fields	35	33	4
Common pastures	7	8	0
Markets	1	1	3
Recycling	7	2	8
Leisure & Tourism	5	5	3
Issue of vouchers	1	0	4
Street naming	5	2	14
Street cleaning	9	8	8

Column 1 = List of services/functions parish councils have the power to provide/maintain  
Column 2 = Number of parish councils currently providing the service/function  
Column 2 = Number of parish councils who raise a precept to pay for the service/function  
Column 3 = Number of parish councils who expressed an interest in providing the service where currently provided by Wiltshire Council in their area.

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**APPENDIX 2  
TABLE 2**

Town Councils			
	Currently Provide	Paid by Precept	Would like to Provide
Allotments	7	7	4
Burial grounds & cemeteries	8	8	4
Closed churchyards	6	6	2
Bye Laws & Dog Control Orders	4	4	5
Community centre, sports or social club	5	6	6
Public buildings/ village hall for offices and public meetings	10	10	3
Repair footpaths & bridleways	2	2	5
Maintain roadside verges	1	1	8
Lighting - roads & public places	4	4	6
Off street parking	1	1	9
Street furniture	11	11	6
Litter bins	8	8	5
Bus shelters	9	9	4
Road signs and other notices	4	4	4
Road safety & traffic calming	4	4	7
Public conveniences	5	4	6
War memorials	11	11	4
Open spaces	7	7	6
Recreation grounds	11	11	5
Pleasure grounds	6	6	6
Playing fields	8	8	6
Common pastures	2	2	3
Markets	3	3	9
Recycling	1	1	2
Leisure & Tourism	6	6	5
Issue of vouchers	0	0	5
Street naming	1	0	11
Street cleaning	3	3	8

Column 1 = List of services/functions town councils have the power to provide/maintain  
Column 2 = Number of town councils currently providing the service/function  
Column 2 = Number of town councils who raise a precept to pay for the service/function  
Column 3 = Number of town councils who expressed an interest in providing the service where currently provided by Wiltshire Council in their area.

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Allotments	Trowbridge and Bradford on Avon only
Burial grounds & cemeteries	To be considered at a future date
Closed churchyards	Wiltshire Council responsibility once taken on
Bye Laws & Dog Control Orders	Not a service matter
Community centre, sports or social club	Transfer of land and buildings not service matter
Public buildings/ village hall for offices and public meetings	Transfer of land and buildings not service matter
Footpaths & bridleways	To be considered – participation in maintenance only
Roadside verges	To be considered – maintenance under licence only
Lighting - roads & public places	Community lighting matters under review
Off street parking	Strategic service
Street furniture	To consider options separately
Litter bins	To consider options separately
Bus shelters	To be considered a future date
Road signs and other notices	Wiltshire Council responsibility for own highway signs
Road safety & traffic calming	Not a service matter
Public conveniences	To be considered
War memorials	Not to be considered separately
Open spaces	To be considered
Recreation grounds	To be considered
Pleasure grounds	To be considered
Playing fields	To be considered
Common pastures	Request for land only not a service matter
Markets	Strategic / financial issues
Recycling	Wiltshire Council responsibility
Leisure & Tourism	Strategic service
Issue of vouchers	To be considered at future date
Street naming	Not a viable function for delegation
Street cleaning	Wiltshire Council responsibility

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**Wiltshire Council**

**Cabinet**

**24 May 2010**

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**Subject: Interim Evaluation of Health Fairs and Community Health Profile**

**Cabinet Member: Councillor Keith Humphries – Health and Wellbeing**

**Key Decision: No**

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## **Executive Summary**

Health fairs and workshops were initiated in 2009, following the production of the first set of Community Health Profiles. These documents were an extension of the Joint Strategic Needs Assessment by Maggie Rae, Corporate Joint Director of Public Health and Well-Being.

The health fairs and workshops were a means of feeding local information to local people and to assist community areas with setting local priorities based on need. With the support of the Cabinet Member for Health and Well-Being, a programme of engagement with each community area was established.

The Health Community Profiles, were produced in addition to the Community Profiles produced by Wiltshire Council. For 2010, the decision has been taken to incorporate the two separate profiles into one community profile.

## **Proposal**

That the Cabinet:

- a) note the schedule of engagement with each of the Community Areas and
- b) consider the role of future joint engagement activities with each of the Community Area as a result of the Community Profiles

## **Reason for Proposal**

This report is an interim update on the provision of health fairs and workshops following the publication of the Community Health Profiles, it is intended to assist with the decision on future events, as part of the decision to produce in future one community profile for each area, incorporating all aspects of local authority services.

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**Maggie Rae, Corporate Joint Director of Public Health and Well-Being**  
**Sue Redmond, Corporate Director of Community Services**

## Wiltshire Council

### Cabinet

24 May 2010

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**Subject:** Interim Evaluation of Health Fairs and Community Health Profile

**Cabinet Member:** Councillor Keith Humphries – Health and Wellbeing

**Key Decision:** No

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### Purpose of Report

1. The purpose of this report is to provide the Cabinet with an interim evaluation of the health fairs and workshops which are taking place with each of the Community Areas, following the publication of Community Health Profiles.

### Background

2. The publication of Community Health Profiles in 2009, provided a fresh opportunity for engagement with the community areas on health priorities, based on evidence and need for their local area. The concept of health fairs and workshops was initiated by the Cabinet Member for Health and Wellbeing in conjunction with Maggie Rae. The schedule of engagement with the areas began in January 2010, and will complete in June 2010 after which a full evaluation will be prepared.
3. The Joint Strategic Needs Assessment for Wiltshire was refreshed during 2009. Community Health Profiles are an extension of the main Joint Strategic Needs Assessment for Wiltshire for 2009, and were produced with the aim of providing local health information to local people to assist with identification of local priorities in local community plans.
4. The events were an opportunity for the Health and Wellbeing Directorate to engage with the community areas boards, and local population in a public event. The events had two distinct parts – a public health fair, and a workshop or presentation to the Community Area board. Photographs are shown in Appendix A.
5. The Health Fairs were public events, inviting members of the public into a health forum to receive advice on all aspects of Health and Wellbeing, including blood pressure and weight management checks, as well as stop smoking service.
6. The workshops with the area boards, were again public events, and were individual presentations to each of the areas, based on local need. Following the presentation, this included a workshop session to discuss local issues and ways

the area could take these forward. These sessions included representatives from all partner organisations including GPs, Health, Police, and Fire.

7. The initiative is now part of the major work streams of the Health and Wellbeing Partnership Board. In addition there has been a schedule of workplace health MOTs.
8. Appendix B below details the level and type of engagement with each of the Community Areas.

### **Main Considerations for the Cabinet**

9. The Community Health Profiles have achieved agreement to engage with each of the 20 areas, supported by executive level as a joint NHS Wiltshire and Wiltshire Council initiative.
10. To reach this agreement it was necessary to be flexible in terms of the engagement to ensure all needs were met, and has also provided the opportunity to evaluate the success of different options used. This included flexibility of :-
  - timings (day and time of week/ weekend),
  - format (health fair and/or workshop, and/ or presentation to the Area Board)
  - venues – a range of venues were used from community halls, to libraries and schools.
11. Following completion of the event, each community area has an awareness of the local issues for their area, based on evidence rather than assumptions, and the beginnings of a plan for how the area, in conjunction with the local health services can work towards improving these issues in partnership. The areas are well positioned to produce informed health plans, and to target appropriate future funding opportunities. Some community areas have identified local leads for their area for the key issues identified by the health profiles. Support mechanisms are in place for the Community Areas should they require support in the future.
12. The feedback from Community Areas to date, has been positive and the events well received and covered by local press. Community Areas have been supportive of the process and the opportunity for joint engagement, with presentations to the Area Boards particularly well received. The initiative is a good example of what can be achieved through working in partnership, and has been presented as a case study at the IDeA Leadership Academy in April 2010 which attracted a great deal of interest.
13. The events have been successful for the first year of such an innovative programme, and one which has attracted interest from other PCTs. The final evaluation will include a full options appraisal and recommendations.
14. It is recommended that this initiative is supported in the future, albeit changes are required. The decision to incorporate community health profiles with existing community profiles is the right way forward and provides an opportunity to make this initiative a community event with a wider remit, than is currently the case,

and an opportunity to showcase the services delivered by Wiltshire Council. This decision also opens up the resources and responsibilities available, both in terms of communication required, and in ensuring value for money and effective use of resources.

### **Environmental Impact of the Proposal**

15. No environmental Impact.

### **Equality and Diversity Impact of the Proposal**

16. Equality and diversity issues were considered within the Joint Strategic Needs Assessment.
17. Health Fairs and workshops were public events, the events were intended to be open to the entire population regardless of equality and diversity issues. The health fairs promoted the full range of health services, including mental health.
18. Existing community area networks were used to publicise these events to maximize the opportunity for engagement with the entire population and held in accessible public buildings

### **Risk Assessment**

19. The events were promoted to ensure Health Profiles were used by the community and that Community Plans are based on needs, thereby directing scarce resources to the areas most in need.
20. There was positive feedback from the events, on the opportunity to receive health advice and in terms of general engagement with the Community Areas on Health Priorities but should support the objective to build trust with between the local authority and its population.
21. Longer terms sustainable support with Community Areas is now subject to wider debate, aided by the decision to produce one joint community profile for each Community Area.

### **Financial Implications**

22. For the 2009-2010 programme this initiative was funded within existing health and well-being resources at Wiltshire Council and NHS Wiltshire.
23. The extent of future financial implications is not fully understood at this stage, there is the need for further discussion on future events and the most appropriate means of engagement with the community areas ensuring efficient and effective use of local resources.
24. The future financial implications will be determined by future decisions on engagement with local communities, and in the event of joint community profiles may need to include a contribution from all service areas.
25. This should be revisited on production of the full evaluation of the schedule.

### **Legal Implications**

26. There are no known legal implications.

### **Options Considered**

27. This is an interim report, and all reasonable options have been considered.

### **Conclusion**

28. The Cabinet are asked to note the content and recommendations of this report.

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### **Background Papers**

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

### **Appendices**

A: Photographs of Health Fair in Malmesbury

B: Schedule and details for each Community Area (correct at 12<sup>th</sup> April 2010)

**Appendix A: Malmesbury Health Fair**





Area Board	Venue	Date	Timings	Type of Activity
Warminster	Warminster Library	Thu 21 Jan	4-7.30pm	Health Fair & Workshop
Melksham	Melksham Assembly Hall	Thu 28 Jan	3-7.30pm	Health Fair & Workshop
Devizes	Cheese Hall in Town Hall	Mon 8 Feb	4-6pm and 6.30 - 8pm	Health Fair & Workshop
Malmesbury	Malmesbury Town Hall	Sat 6 Feb	10am - 1.30pm	Health Fair & Workshop – ratification at Area Board in March
Westbury	Heywood Village Hall	Thu 11 Feb	7-9pm PRESENTATION ONLY	
Trowbridge	Trowbridge Civic Hall	Wed 24 Feb	3-6pm, 6.30 - 8pm	Health Fair & Workshop
Amesbury	The Bowman Centre, Archers Gate, Shears Drive, Amesbury.	Thu 25 Feb	3 - 7.30pm	Health Fair & Workshop at Area Board
Bradford on Avon	St. Margaret's Hall, Bradford-on-Avon	Sat 6 MAR	10am – 1.30pm	Health Fair & Workshop – round up at Area Board 17.03.10
Southern Wiltshire	St Edmunds School, Laverstock Salisbury	Thu 11 Mar	3-5 health fair 5-6.30pm workshop	Health Fair & Workshop
Tidworth	Enford Village Hall	MON 15 MAR	6.30pm for 7pm	PRESENTATION AT AREA BOARD
Bradford on Avon	St.Margaret's Hall, BOA	SAT 20 MAR	10am - 1.30pm	Health Fair and Workshop
Pewsey	Bouverie Hall	Mon 22 Mar	4-7.30pm	Health Fair & Workshop
Wootton Bassett	Marsh Farm Hotel, Wootton Bassett	Wed 24 Mar	PRESENTATION ONLY	Presentation at Area Board + <u>Health Fair to be arranged at a later date</u>
Corsham	Corsham Community Centre	Tue 30 Mar	4-6.30pm Health Fair 7pm JSNA Presentation	Health Fair & JSNA presentation at Board
Tidworth	Tidworth Leisure Centre	14-Apr	HEALTH FAIR ONLY	Health Fair
Westbury Health Fair	Paragon	SAT 24 APRIL	0930 - 12 (Health Fair) Workshop 12-1pm	Health Fair and Workshop
Calne	The Hub	27-Apr	11am - 2pm HEALTH FAIR	Health Fair
Calne	Hilmarton Community Hall	27-Apr	6.30pm for 7pm	POSTPONED DUE TO PRE-ELECTION PERIOD
Chippenham	Hullavington Village Hall	10-May	6-7pm	Workshop pre area board meeting
Salisbury	Salisbury Library	10-May	3-6pm Health Fair 6.30pm-8pm Workshop	Health Fair and Workshop
Salisbury	St.Francis Hall, Beatrice Road, Salisbury, SP1 3PN	20-May	6.30pm for 7pm	PRESENTATION AT AREA BOARD