

SUMMONS

Council Meeting
Date: 12 July 2011
Time: 10.30 am
Place: Corn Exchange - Devizes

**PLEASE SIGN THE ATTENDANCE
BOOK BEFORE ENTERING THE
COUNCIL CHAMBER**

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

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

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

PART I

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

1. **Apologies**
2. **Minutes of Previous Meeting** (*Pages 1 - 58*)

To approve as a correct record and sign the minutes of the last meeting of Council held on 17 May 2011.
3. **Declarations of Interest**

To declare any personal or prejudicial interests or dispensations granted by the Standards Committee.
4. **Announcements by the Chairman**
5. **Petitions Update** (*Pages 59 - 60*)

6. **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Director of Resources) no later than 5pm on Tuesday 5 July. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

COUNCILLORS' MOTIONS AND QUESTIONS

7. **Notices of Motion**

To consider the following notices of motion:

- (a) **Notice of Motion No. 19 - Affordable Credit - From Councillors Jon Hubbard (Melksham South Division) and Mark Packard (Chippenham Pewsham Division) (Pages 61 - 66)**

To consider the attached motion and accompanying report.

- (b) **Notice of Motion No. 20 - Touch 2 ID Scheme - From Councillors Mark Griffiths (Melksham Without North Division) and Jon Hubbard (Melksham South Division)**

To consider the following motion:

'That WC, specifically the Licensing Department when in future writing to or having contact with Licensed establishments use the term "preferred" when referring to Touch 2 ID as a form of age identification'.

8. **Councillors' Questions**

Please note that Councillors are required to give notice of any such questions in writing to the officer named on the first page of this agenda (acting on behalf of the Director of Resources) not later than 5pm Tuesday 5 July. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

MINUTES OF CABINET AND COMMITTEES

9. Minutes of Cabinet and Committees

- (a) The Chairman will move that Council receives and notes the minutes of Cabinet and the various Committees of the Council as listed in the Minutes Book enclosed separately.
- (b) The Leader, Cabinet members and Chairmen of Committees will be given a brief opportunity to make any important announcements and updates.
- (c) Councillors will be given an opportunity to raise general issues relating to Area Boards but not specific local issues.
- (d) Councillors will be given the opportunity to raise questions on points of information or clarification on the minutes presented.

OTHER ITEMS OF BUSINESS

10. Wiltshire Council Constitution (*Pages 67 - 108*)

To consider the attached report of the Monitoring Officer.

To seek Council approval of changes recommended by Cabinet following the review of the Development Control service, delegation of TUPE matters and to update Council on the Media Relations Protocol and Guidance on Amendments to Motions.

11. Urgent Executive Decisions Taken by Cabinet (*Pages 109 - 110*)

To receive and note the attached report of the Deputy Leader of Council which explains the circumstances of using the special urgency provision as defined in Part 5 of the Constitution.

12. Membership of Committees

To determine any requests from Group Leaders for changes to committee membership in accordance with the allocation of seats to political groups previously approved by the Council.

13. Change of Date of Council meeting

Council is asked to approve a change to the date of Council in February 2012 from 21 February to 28 February. This is to allow more time to receive details from precepting authorities.

EXTERNAL ORGANISATIONS

To receive reports from external organisations.

Please note that under the Constitution, Councillors wishing to ask a question in relation to the reports of the Wiltshire Police Authority and the Wiltshire and Swindon Fire Authority are required to give written notice to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than five clear days before the Council meeting – 4 July 2011.

The documents referred to in the following items at 14 and 15 were previously circulated to Councillors to provide an opportunity to submit any questions within the above mentioned timescale. The documents are also circulated with this agenda for ease of reference.

14. **Wiltshire Police Authority** (*Pages 111 - 112*)

To receive and note the report of the Wiltshire Police Authority.

15. **Wiltshire and Swindon Fire Authority** (*Pages 113 - 120*)

To receive and note the minutes of the Wiltshire and Swindon Fire Authority meeting held on 25 May 2011.

PART II

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

None

Dr Carlton Brand
Director of Resources
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire

COUNCIL

DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 17 MAY 2011 AT OLYMPIAD SPORTS HALL - OLYMPIAD LEISURE CENTRE, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Richard Beattie, Cllr Chuck Berry, Cllr John Brady, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Liz Bryant, Cllr Allison Bucknell, Cllr Jane Burton, Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Chris Caswill, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Christopher Cochrane, Cllr Peter Colmer, Cllr Linda Conley, Cllr Mark Connolly, Cllr Christine Crisp (Vice-Chair), Cllr Brian Dalton, Cllr Paul Darby, Cllr Andrew Davis, Cllr Tony Deane, Cllr Bill Douglas, Cllr Peggy Dow, Cllr Peter Doyle, Cllr Rod Eaton, Cllr Nick Fogg, Cllr Peter Fuller, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Lionel Grundy OBE, Cllr Brigadier Robert Hall (Chairman), Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Malcolm Hewson, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Chris Humphries, Cllr Keith Humphries, Cllr Peter Hutton, Cllr Tom James MBE, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Simon Killane, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Alan Macrae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Francis Morland, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Jeffrey Ody, Cllr Jeff Osborn, Cllr Mark Packard, Cllr Sheila Parker, Cllr Graham Payne, Cllr Stephen Petty, Cllr Nina Phillips, Cllr Fleur de Rhe-Philippe, Cllr Pip Ridout, Cllr Bill Roberts, Cllr Ricky Rogers, Cllr Judy Rooke, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr John Smale, Cllr Carole Soden, Cllr Toby Sturgis, Cllr John Thomson, Cllr Dick Tonge, Cllr Anthony Trotman, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Stuart Wheeler, Cllr Roy While, Cllr Christopher Williams and Cllr Graham Wright

95. Apologies

Apologies for absence were received from Councillors Ian West, Julie Swabey, Paul Sample, Peter Davis, Mary Douglas and Mark Griffiths, Michael Cuthbert-Murray, Steve Oldrieve, Leo Randall and Helen Osborn.

96. Election of Chairman

The outgoing Chairman, Cllr Brigadier Hall sought nominations for the position of Chairman of Wiltshire Council for 2011/12.

Cllr Brigadier Hall was proposed by Cllr Chris Humphries and seconded by Cllr Jon Hubbard.

In the circumstances as a member cannot preside over their own election and as the Chairman if present must preside, Cllr Brigadier Hall vacated the chair and left the meeting for the duration of this item.

Cllr Crisp, Vice-Chairman in the Chair

Cllr Crisp asked if there were any other nominations and there were none, and on being put to the vote it was

Resolved:

That Councillor Brigadier RWS Hall be elected Chairman of Wiltshire Council for 2011/12.

Cllr Brigadier Hall then signed the Declaration of Acceptance of Office of Chairman of Wiltshire Council in the presence of the Chief Executive.

Cllr Brigadier RWS Hall in the Chair

The Chairman commented that it was an honour to be re-elected Chairman of the Council and thanked Councillors for their continued confidence in him.

97. **Election of Vice-Chairman**

The Chairman sought nominations for the position of Vice-Chairman of Wiltshire Council for 2011/12.

Cllr Christine Crisp was proposed by Cllr Nina Phillips and seconded by Cllr Pip Ridout. There being no further nominations and on being put to the vote, it was

Resolved:

That Cllr Christine Crisp be elected Vice-Chairman of Wiltshire Council for 2011/12.

Cllr Christine Crisp signed the Declaration of Acceptance of Office of Vice-Chairman of Wiltshire Council in the presence of the Chief Executive.

98. **Minutes of Previous Meeting**

The minutes of the meeting held on 22 February 2011 were presented for approval as a correct record.

Cllr Ian McLennan challenged the accuracy of minute no. 86 on the South Wiltshire Core Strategy – Review of Housing and Employment Requirements. In an effort to assist Council, Cllr McLennan produced a document detailing how in his opinion the minute should have been recorded particularly in relation to references made in the minute to the Community Forum. He moved that the

minute be amended in accordance with the document he produced, details of which were circulated and this was duly seconded by Cllr Ricky Rogers.

At the Chairman's invitation, Cllr John Brady, Cabinet member for Economic Development, Planning and Housing spoke to the proposed amendment to the minute. He confirmed that the minute had been verified by a number of officers and he was therefore satisfied that the minute reflected an accurate account of the proceedings for that item

On being put to the vote, the motion to amend the minute was LOST and it was

Resolved:

That the minutes of the last Council meeting held on 22 February 2011 be approved as a correct record as presented and signed by the Chairman.

Recorded Votes

Cllrs Ian McLennan and Ricky Rogers requested that their votes against the above decision be recorded.

99. **Declarations of Interest**

The Chairman drew Councillors' attention to the letter of advice from the Monitoring Officer concerning possible interests in the Submission Draft Waste Site Allocations Development Plan Document.

Community Governance Reviews (minute no. 111 refers)

The following members declared a personal interest in relation to the above item:

Cllrs Peter Fuller, Jeff Osborn, Graham Payne John Knight – by virtue of being members of Trowbridge Town Council which had requested a Boundary Review.

Cllrs Jon Hubbard and Rod Eaton, – by virtue of being members of Melksham Town Council which had only recently written to this Council requesting a review.

Cllrs Andrew Davis, Pip Ridout, Keith Humphries – by virtue of being members of Warminster Town Council, proposals on which were specifically referred to in the report presented.

Cllr Clark – by virtue of being Chairman of Hilperton Parish Council which had lodged objections to proposals.

Submission Draft Waste Site Allocations Development Plan Document (minute no. 106 refers).

The following councillors declared personal interests on the above item:

Cllr Mark Connolly – by virtue of being a Governor of Wellington Academy which was next to one of the identified sites.

Cllr Francis Morland – by virtue of being a member of Heywood Parish Council which had made representations on proposals.

100. **Referendum Results**

Council received and noted the Counting Officer's Local Total in respect of the Alternative Vote Referendum held on 5 May 2011.

Councillors were asked to refer any suggestions or observations on the Referendum process in Wiltshire to Andrew Kerr as Counting Officer.

101. **Announcements by the Chairman**

(a) Meeting Information

The Chairman explained the circumstances leading to holding this meeting away from the usual venue at County Hall. Comments would be sought from Councillors on the arrangements and facilities for the meeting via their respective Group Leaders.

(b) Official Opening of Bourne Hill Offices, Salisbury

The Chairman reported that on 30 March, the Council's Bourne Hill offices in Salisbury were officially opened by Her Royal Highness the Countess of Wessex. He understood that Her Royal Highness was very impressed with the design elements of the building particularly the energy efficient features and the sympathetic way in which the extension combined with the listed building.

(c) Salisbury Civic Society Conservation Awards Scheme 2010 Bourne Hill Offices, Salisbury

The Chairman was pleased to announce that the Bourne Hill offices received an award under the Salisbury Civic Society Conservation Awards Scheme for 2010. He had received the award on behalf of the Council, which took the form of a Certificate, at an awards ceremony held at Godolphin School in Salisbury last month. Certificates were also presented to the architects, conservation architects, the main contractors, environmental engineers and the landscape architects involved in the scheme. The award was given "for the respectful care taken over the historic house, and the addition of an ambitious and carefully thought out modern building to the centre of the city".

In addition to this award, Bourne Hill had also been shortlisted for three other awards with the British Council of Offices, Society of Chief Architects in local authorities and the Royal Institute of British Architects.

(d) Award in Leadership Management

The Chairman reported that earlier in the year, nine Councillors undertook and successfully completed the Award in Leadership and Management. The award was a nationally recognised qualification at foundation degree level.

The Chairman congratulated the following Councillors who had successfully completed the award and presented them with their certificates later in the meeting:

Cllrs Allison Bucknell, Jane Burton, Trevor Carbin, Richard Clewer, Howard Marshall, Helen Osborn, Shelia Parker Stephen Petty and Paul Sample.

(e) Wootton Bassett on the BBC

The Chairman referred to the programme 'Wootton Bassett: The Town That Remembers' which was broadcast on BBC1 on 9 May. The programme followed the course of a day in Wootton Bassett as residents prepared to receive a repatriation of a soldier, Ranger Aaron McCormick.

The Chairman reiterated the sentiments of the programme in recognising the incredible respect and unerring commitment shown by local residents and veterans throughout the course of repatriations via RAF Lyneham and the Town. It was noted that the Town had been granted Royal title for the respect collectively shown to those killed in war as they are returned to Britain.

(f) Mobile Chemotherapy Unit

As previously advised to Councillors, a mobile chemotherapy unit was parked outside the meeting room. This was to enable councillors to visit the unit and receive a presentation to see firsthand the excellent facilities it provided in bringing chemotherapy treatment closer to patients. It was noted that 'Hope for Tomorrow' a registered charity had provided a mobile chemotherapy unit for use in Wiltshire.

(g) Former Councillor – Brian Atfield

The Chairman reported that sadly Brian Atfield was seriously ill in hospital. Mr Atfield represented the Cricklade Division of Wiltshire Council during 1993-2004.

102. Petitions Update

The Chairman reported receipt of 3 petitions since the last meeting of Council details of which were included in the report presented. The Chairman also reported on petitions which had been submitted since publication of the agenda.

With the Chairman's permission, Cllr Nick Fogg spoke to the petition referred to in the report on the X76 Marlborough to Bath bus service. Cllr Fogg explained that the petition had been signed by several people and that the service was a very popular one which included a service to the Royal United Hospital (RUH) in Bath.

Cllr Howard Marshall referred to the planned loss of service in Calne which also serviced the RUH and that if removed would involve 4 bus trips to get to the hospital.

Cllr Gamble, Portfolio Holder for Public Transport explained that all comments received during the consultation process would be taken into account. He added that whilst services may be popular they were not necessarily commercially viable with most users travelling on concessions.

Cllr Mike Hewitt presented a petition in the form of a log of the number of patients visiting the Harcourt Medical Centre, Salisbury and the duration of their visit. He argued that given the majority of visits was for relatively short periods it was unfair to expect patients to pay the full parking charge. This was affirmed by Cllr Cochrane who requested that the needs of the surgery should be taken into account.

The Chairman reported receipt of a letter and a petition organised by Corsham Chamber of Commerce requesting the Council to reconsider the increase in car parking charges in Corsham.

Cllr Tonge responded to points raised.

Resolved:

- (a) That Council notes the petitions received and the actions being taken as set out in the table in the report presented.**
- (b) That Council receives and note the petitions presented at this meeting and to request that Cllr Dick Tonge respond to the lead petitioners in writing.**

103. Public Participation

No requests for public participation had been received for this meeting.

104. **Review of Allocation of Seats on Committees to Political Groups and Appointment of Committees**

The Chairman took the following items recorded at minute no.s 104 (a) – (c) and 105 together giving Councillors an opportunity to comment on individual items.

(a) **Appointment of Committees and Review of Allocation of Seats on Committees to Political Groups**

(b) **Appointment to Committees**

(c) **Appointment of Chairmen and Vice-Chairmen - Committees**

105. **Appointment of Wiltshire Council members to serve on the Combined Fire Authority**

The Chairman drew Councillors' attention to the reports of the Solicitor to the Council and Monitoring Officer which invited Council to:

- appoint the various committees of the Council and review the allocation of seats on those committees to political groups according to their respective political strengths on the Council;
- make appointments to committees in accordance with such a review taking into account the wishes of the political group leaders;
- appoint chairmen and vice-chairmen of committees excluding the Standards and Select Committees which would be asked to make such appointments at their respective first meetings;
- agree to extend the terms of office of the current chairman and vice-chairman of all Area Boards to the first meeting of those Area Boards following this Annual Meeting of Council to enable them to oversee, where appropriate the election of chairman and vice-chairman for 2011/12;
- to agree to extend the term of office of Mrs Isabel McCord as an independent member on the Standards Committee;
- appoint nine Wiltshire Council members to serve on the Combined Fire Authority for the ensuing year.

The Chairman explained that Group Leaders had been consulted on the principles of what was being proposed.

The Leader proposed a motion which encompassed all of the above, details of which were circulated and this was duly seconded.

A discussion ensued on whether chairmen and vice-chairmen of committees should be appointed by Council at this meeting or left to the committees themselves to determine at their first round of meetings following this meeting. An amendment was proposed by Cllr Francis Morland and seconded by Cllr Jon Hubbard to the effect that the appointment of committee chairmen and vice-chairmen should not be taken today but left to the committees to determine and that the current chairmen and vice-chairman stay in situ until their successors were appointed.

On being put to the vote, the amendment was LOST.

A further amendment was proposed by Cllr Jon Hubbard and seconded by Cllr Peter Colmer which gave an alternative list of vice-chairmen of committees to that which was proposed in the Leader's motion. On being put to the vote, the amendment was LOST.

The Chairman then put the Leader's motion to the vote which was CARRIED and it was

Resolved:

To note the reports and the legal requirements.

(a) To appoint the following committees with the terms of reference as set out in the Constitution:-

**Strategic Planning
Area Planning – East, North, South and West
Licensing
Standards
Organisation and Resources Select
Children's Services Select
Health and Adult Social Care Select
Environment Select
Audit
Appeals
Staffing Policy
Officer Appointments
Pension Fund
Joint Committee for Appointment to Wiltshire Police
Authority**

(b) To approve the aggregate number of committee places available to members of the Council being 169 and the number on each committee as follows:-

<u>Committee</u>	<u>Total Number of Places for Elected Members</u>	<u>Conservative Group Allocation</u> (61 seats)	<u>Liberal Democrat Group Allocation</u> (24 seats)	<u>Labour Group Allocation</u> (2 seats)	<u>Independent Group Allocation</u> (8 seats)	<u>Devizes Guardians Group Allocation</u> (3 seats)
Strategic Planning	13	9	3	-	1	-
Area Planning Committees						
North	10	7	3	-	-	-
South	11	6	3	1	1	-
East	9	6	1	-	1	1
West	11	6	3	-	2	-
Licensing	12	8	3	-	1	-
Organisation and Resources Select	13	7	3	1	1	1
Children's Services Select	13	9	3	-	1	
Health & Adult Social Care Select	13	8	3	-	1	1
Environment Select	13	7	3	1	1	1
Audit	13	8	3	-	1	1
Appeals	9	6	3	-	-	-
Staffing Policy	9	6	2	-	1	-
Officer Appointments	5	3	1	-	1	-
Pension Fund	5	3	2	-	-	-
Joint Police Appointing Committee	7	4	2	-	1	-
Great Western Ambulance Joint Scrutiny Committee	3	2	-	1	-	-
<u>TOTALS:</u>	169	105	41	4	14	5

- (c) To appoint Area Boards, constituted as area committees as set out in paragraphs 12 to 14 of the report and within the Constitution, and to appoint those members representing electoral divisions to their respective area boards as set out in Appendix 1 attached to this motion.

- (d) To agree to continue the proposed arrangements for any future appointments of councillors to Health Scrutiny Joint Committees as set out in paragraph 18 of the report.
- (e) To approve the nominations of Group Leaders, as set out in the attached Appendix 2, for the appointment of councillors and substitutes, to serve on committees in accordance with the agreed scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.
- (f) To appoint the Standards Committee with the terms of reference as set out in the Constitution and to appoint the following Council members to serve until the next Annual Council meeting in 2012:-
- Mr Fuller, Mr Johnson, Mr Marshall, Mr McLennan, Mr Clark, Mr Carter
- (g) To agree to extend the term of office of Mrs Isabel McCord, independent member on the Standards Committee until the next annual meeting of the Council or the end of the present standards regime, whichever is the earlier.
- (h) To appoint the following non-elected members to the Children's Services Select Committee:-

<u>Non-Elected Voting Members</u>	<u>Representing</u>
Vacancy (Reserve/substitute: Mr C Shepperd)	Church of England
Dr M Thompson (Reserve/substitute: Canon L. O'Driscoll)	Clifton Diocese Roman Catholic Church
Mr N Owen	Parent Governor (Secondary)
Mrs A Kemp	Parent Governor (Special Educational Needs)
Mrs R Ryan	Parent Governor (Primary)
<u>Non-Elected Non-Voting Members</u> (Up to Five)	School, Children and Young People representatives
Mrs D Dale	Further Education Representative
Mr C Dark	Secondary Schools Headteacher Representative
Mrs J Finney	Primary School Headteachers Representative
Mr J Hawkins	School Teacher Representative
Mr C King	Children & Young People's Representative

- (i) To appoint the following councillors to serve on the Combined Fire Authority for 2011/12 :-

Conservative (6)	Liberal Democrat (2)	Independent (1)
Mr Peter Davis	Mr Marshall	Mr Newbury
Mr Payne	Mr Osborn	
Mrs Groom		
Mr Devine		
Brigadier Hall		
Mrs Wayman		

- (j) To appoint following Chairmen and Vice-Chairmen:-

<u>Committee</u>	<u>Chairman</u>	<u>Vice Chairman</u>
Area Planning Committee – Eastern	C Howard	R Gamble
Area Planning Committee – Northern	T Trotman	A Hill
Area Planning Committee – Southern	F Westmoreland	J Green
Area Planning Committee – Western	P Fuller	R While
Audit Committee	R While	S Parker
Licensing Committee	J Seed	N Phillips
Officer Appointments Committee	J Scott	J Thomson
Pension Fund Committee	T Deane	C Howard
Staffing Policy Committee	A Bucknell	M Hewitt
Strategic Planning Committee	A Davis	C Crisp

- (k) To agree to extend the term of office of the current chairmen and vice chairmen of all area boards to the first meeting of those area boards following the annual meeting of council, to enable them to oversee, where appropriate, the election of chair and vice chair for 2011/12.

- (l) To note that in accordance with the Constitution the Chairmen and Vice Chairmen of the Standards Committee and Select Committees will be elected at the first meetings of those committees.

106. **Submission Draft Waste Site Allocations Development Plan Document (DPD): Recommendation from Cabinet**

For details of interests declared in this item, please refer to minute no. 99 above.

The Chairman of Council referred Council to the report previously considered by Cabinet at its meeting held on 22 March 2011 and asked Cllr John Brady as Cabinet member for Economic Development, Planning and Housing to present the item.

Cllr Brady presented the recommendations of Cabinet as detailed in the Summons. Cllr Brady sought Council approval of the Submission Draft Waste Site Allocations DPD for publication for an eight week formal consultation to commence in May/June and to endorse the DPD for the purpose of submission to the Secretary of State.

Cllr Brady explained that the DPD would provide a flexible framework reducing the Council's dependency on landfill and would affect all areas of the County particularly the Divisions highlighted in the report.

An additional recommendation was made that following expiry of the consultation period, details of responses received be considered by the Environment Select Committee for onward recommendation to Cabinet prior to submission to Council.

A number of points of detail were raised. Cllr John Brady and the Leader commented that Councillors would have an opportunity to comment during the consultation process and when the matter came before the Environment Select Committee and Cabinet.

Resolved:

That Council endorses the Submission Draft Waste Site Allocations Development Plan Document (DPD) for the purposes of consultation as approved by Cabinet. That on the expiry of the consultation period, a report on the DPD and consultation responses be considered by the Environment Select Committee for onward recommendation to Cabinet prior to the matter coming back to Council for approval for the purpose of submission to the Secretary of State.

107. **Wiltshire Community Plan 2011 - 2026 (Sustainable Community Strategy)**

At the Chairman's invitation, Cllr John Thomson, Deputy Leader presented this item.

Cllr Thomson explained that the Council was required to develop a revised sustainable community strategy for Wiltshire. He presented the new strategy, the People, Places and Promises: Wiltshire Community Plan 2011-2026 for Council's consideration and approval. He explained that the Plan had been developed through close joint working with around 100 organisations through the Wiltshire Assembly. This had resulted in an up to date and relevant shared vision for Wiltshire.

The Plan included having one vision to build strong, resilient communities in Wiltshire and had three priorities:

- Creating an economy that was fit for the future
- Reducing disadvantage and inequalities
- Tackling the causes and effects of climate change

With 17 broad objectives linked to the above priorities.

The Plan had been agreed by the Public Service Board, Wiltshire Assembly, Wiltshire Infrastructure Consortium and the Wiltshire Compact Board following a comprehensive process. Wiltshire Assembly had recommended this Council as the responsible authority, to adopt the Plan.

A discussion ensued on the detail of the Plan to which Cllr Thomson responded.

Resolved:

That the People, Places and Promises: The Wiltshire Community Plan 2011-2026 be formally adopted by Wiltshire Council as the new Sustainable Community Strategy for Wiltshire.

108. **Councillors' Questions**

The Chairman reported receipt of questions from Cllrs Mike Cuthbert-Murray, Ernie Clark, Mark Packard, Chris Caswill, Russell Hawker, David Jenkins, Helen Osborn, Jon Hubbard and Peter Colmer, details of which were circulated and attached as Appendix 3 to these minutes together with the responses given.

Questioners agreed to take their questions as read and were given an opportunity to ask a relevant supplementary question to which the relevant Cabinet member responded. Supplementary questions are summarised as follows which should be read in conjunction with the questions and responses:

Cllr Clark – recovery of non pensionable honoraria – did the Leader have an indication as to when the issue was likely to be resolved?. The Leader said that the matter was in the hands of the solicitors.

Cllr Clark – expenses claimed by the Chief Executive – how was the monthly accommodation costs of £600 decided? The Leader explained that it had been agreed by the Staffing Policy Committee as part of the terms and conditions of employment.

At this point and in relation to a question from Cllr Clark on the subject of the Chief Executive's pay, the Leader made a statement that in light of recent press coverage, the Chief Executive would not be taking an incremental pay rise this year. She explained that the Chief Executive had listened to the strong feelings of staff and the people of Wiltshire and considered that it would not be appropriate to take such a pay rise.

Cllr Clark – publication of salary bands – did the Leader agree with the Service Director for HR and Organisational Development that tier 1 and 2 level be shown in 1 and 2 bands? The Leader agreed.

Cllr Mark Packard – departure of Chief Internal Auditor – Did the Council really mean to offer this postholder redundancy? The Leader explained that a number of staff in the Audit section had been served with at risk letters and she understood that this postholder had applied for redundancy.

Cllr Mark Packard – questioned the need for confidentiality over report to Audit Committee over the future of the audit service. The Leader explained that this issue had been discussed at the Audit Committee on 13 May when the advice of the Monitoring Officer was given over the reasons for considering the report in Part II, namely on the grounds of commercial sensitivity and staffing issues. The Audit Committee had agreed that the matter should be considered in Part II.

Cllr Chris Caswill – Given the excellent work of the Internal Audit section, questioned the decision to make the Chief Internal Auditor redundant and also questioned the need for confidentiality of the report to the Audit Committee.

Cllr Fleur de Rhe Philipe – confirmed that she valued the work of the Internal Audit section. The Postholder had requested redundancy. She also confirmed that the duties of the Chief Internal Auditor had already been reallocated by the S.151 Officer to ensure there would be no impact on the work of the Audit Committee. The issue of treatment of the report as confidential had already been clarified as above.

Cllr David Jenkins – household recycling centres – although no charges apply at present, at what point will Council consider charging. Cllr Toby Sturgis reported that there was no timetable for this and as such there were no plans to charge at the present time.

Cllr David Jenkins – household recycling centres – due to number of proposals for waste sites, will sites be considered for incineration? Cllr Sturgis explained that the Council will always be reviewing its processes.

Cllr David Jenkins – Mechanical Biological Treatment Plant (MBT) – as the MBT will be completed by the Summer 2013, would this mean that the long awaited reclamation centre as was included in original plans. Cllr Sturgis explained that the Council would be reviewing the waste service after the doorstep collection and look at other recycling.

Cllr Jon Hubbard – Future of Internal Audit service – sought an assurance that before any decision was made to outsource the service, an opportunity would be given to debate the matter in open session. Cllr de Rhe Philipe confirmed that no decision had been made to outsource the service only to negotiate. A

report excluding the confidential/sensitive information would be considered in Part I.

Cllr Jon Hubbard – future provision of youth services – expressed concern that there would be very little time for any handover. Cllr Lionel Grundy reported that he was aware of the point made but he believed there would be sufficient time and all efforts would be made to carry this out on time.

Cllr Jon Hubbard – providing council tax relief for Police Specials – confirmed that the proposal only related to the Wiltshire Council element of the council tax. Did the Leader believe that Southampton City Council were wrong to introduce their scheme and could it still be considered for Wiltshire. The Leader considered that Southampton City Council was not wrong. Each authority would operate according to their own particular area and circumstances. In Wiltshire there were a number of volunteers which would also need to be taken into account in order to treat such volunteers consistently.

Cllr Peter Colmer – number of empty properties – was there a full time Empty Homes Officer as previously promised. Cllr John Brady confirmed that presently there was not, but within the Housing team, there was a member of staff whose full time role was to administer empty properties.

Cllr Peter Colmer – comparative figures on Homes for Wiltshire register – what was the Council's target? Cllr Brady explained that the number on the waiting list had significantly reduced from the figure of 14,784 across the 4 former district councils. Changes were anticipated as a result of the Localism Bill which would result in a different set of statistics.

The Chairman reminded Councillors that they could of course seek responses to their questions by asking relevant officers either face to face or by email or via the relevant Corporate Directors to help with identifying appropriate officers.

109. **Notices of Motion**

(a) **Notice of motion no.16 - Shadow Community Operations Boards - From Councillors Jeff Osborn (Trowbridge Grove Division) and Helen Osborn (Trowbridge Lambrook Division)**

The following notice of motion was submitted by Cllrs Jeff Osborn and Helen Osborn:

'Over the coming months, several Area Boards will be appointing Shadow Community Operations Boards. These in due course may, subject to further consideration by Cabinet, become the responsible bodies for the running of the respective campuses which will involve the stewardship and expenditure of substantial sums of public money.

Understandably the governance arrangements of these bodies will be of local and wider concern. They should certainly be open, transparent and accountable. Their status vis-a-vis the publicly elected Council still has to be clearly spelt out.

The action of the Council in this whole area may be groundbreaking and hence has to engender trust and earn support amongst the public. We must ensure probity and high standards of accountability.

In order to achieve this:

Council confirms that meetings of the respective Shadow Community Operations Boards, and the later fully fledged (non shadow) Boards, be held in public with agendas issued in advance and minutes being made publicly available. The operation and decisions of the Boards as per the operations and decisions of the Council, be subject to the Freedom of the Information Act'.

Once moved and seconded, Cllr Jeff Osborn was invited to speak to his motion. He explained that as the Council moved into this new venture of Area Board involvement in campuses, the Council must not move away from the tried and tested methods of responsibility and accountability.

By consensus, it was agreed that the motion be debated.

At the Chairman's invitation, Cllr Stuart Wheeler, Cabinet member for Leisure, Sport and Culture responded to the motion. He explained how the Shadow Community Operation Boards would operate as set out in their terms of reference and their relationship with Area Boards and Cabinet. He considered the Shadow Boards which would operate as working groups, to be an integral part in encouraging participation and involvement by the community in developing proposals. Cllr Wheeler supported the first three paragraphs of the above motion but moved as an amendment a replacement fourth paragraph as follows and this was duly seconded by Cllr John Noeken:

'Council confirms that the respective shadow Community Operations Boards are formally constituted by each Area Board as a working group to gather together the views of the wider community and then reflect these in a set of recommendations to the Area Board as to the shape and content of a particular campus. All documentation and recommendations produced will be published by the Area Board and will accordingly be subject to the provisions of the Freedom of Information Act 2000.

The Council notes that:

- The Area Board will in turn fully debate all such recommendations and reach its own decision on the recommendations, if any, that officers

- should submit on its behalf to Cabinet
- Any formally constituted successor bodies to the shadow Community Operations Boards will be the subject of further recommendations to be considered by Cabinet in due course and these successor bodies will in turn be subject to those governance requirements appropriate to whatever vehicle is chosen’.

During the course of discussion, a debate ensued on the amended wording. Cllr Jeff Osborn suggested a refinement of the amended paragraph as follows (added text underlined):

‘Council confirms that the respective shadow Community Operations Boards are formally constituted by each Area Board as a working group to gather together the views of the wider community and then reflect these in a set of recommendations to the Area Board as to the shape and content of a particular campus. All documentation and recommendations produced will be published by the Area Board and will accordingly be subject to the provisions of the Freedom of Information Act 2000. All meetings of the Working Groups will be held under the same rules as Area Boards.

The Council notes that:

- The Area Board will in turn fully debate all such recommendations and reach its own decision on the recommendations, if any, that officers should submit on its behalf to Cabinet
- Any formally constituted successor bodies to the shadow Community Operations Boards will be the subject of further recommendations to be considered by Cabinet in due course and these successor bodies will in turn be subject to those governance requirements appropriate to whatever vehicle is chosen. However, this Council believes that there should be no reduction in the level of accountability and the opportunity for public scrutiny’.

Cllr Wheeler explained that he could not support the first set of additional wording above as this would detract from being able to work in a flexible and fast moving manner. He was however prepared to accept the second set of additional wording above with the proviso of adding if possible at the end.

A discussion ensued on the amendment and further suggested wording during which various comments were made summarised as follows:

- Shadow Boards should operate under the same governance arrangements as Area Boards
- Too many decisions were being made in private

- There were precedents of working groups that did and did not allow public attendance
- Shadow Boards would work under terms of reference formally adopted by Area Boards
- People might not feel comfortable discussing issues in public
- Shadow Boards would operate as working groups with no decision making powers
- Full governance arrangements would operate at meetings where decisions would be made ie Area Boards and Cabinet
- Matter for Area Boards to determine how they run their own local matters, suggested additional wording to amendment would undermine Area Boards ability to do this.

In exercising his right of reply, Cllr Jeff Osborn explained that whilst he agreed with giving autonomy to Area Boards, the essence of his motion was to provide accountability.

The Chairman put the following suggested alterations to the amendment as proposed by Cllr Jeff Osborn to the vote individually.

On the following wording:

All meetings of the Working Groups will be held under the same rules as Area Boards. On being put to the vote, the suggestion was LOST.

On the following wording:

However, this Council believes that there should be no reduction in the level of accountability and the opportunity for public scrutiny’. Cllr Wheeler explained that in the spirit of co-operation, he was prepared to accept this additional wording with the inclusion of the words if possible at the end but this was not accepted. On being put to the vote, the suggested wording was LOST.

The amendment as proposed and presented by Cllr Wheeler was put to the vote and CARRIED, and on being put to the vote as a substantive motion was CARRIED and it was therefore

Resolved:

That motion No. 16 be adopted as amended as follows:

‘Over the coming months, several Area Boards will be appointing Shadow Community Operations Boards. These in due course may, subject to further consideration by Cabinet, become the responsible bodies for the running of the respective campuses which will involve the stewardship and expenditure of substantial sums of public money.

Understandably the governance arrangements of these bodies will be of local and wider concern. They should certainly be open, transparent and accountable. Their status vis-a-vis the publicly elected Council still has to be clearly spelt out.

The action of the Council in this whole area may be groundbreaking and hence has to engender trust and earn support amongst the public. We must ensure probity and high standards of accountability.

Council confirms that the respective shadow Community Operations Boards are formally constituted by each Area Board as a working group to gather together the views of the wider community and then reflect these in a set of recommendations to the Area Board as to the shape and content of a particular campus. All documentation and recommendations produced will be published by the Area Board and will accordingly be subject to the provisions of the Freedom of Information Act 2000.

The Council notes that:

- **The Area Board will in turn fully debate all such recommendations and reach its own decision on the recommendations, if any, that officers should submit on its behalf to Cabinet**
- **Any formally constituted successor bodies to the shadow Community Operations Boards will be the subject of further recommendations to be considered by Cabinet in due course and these successor bodies will in turn be subject to those governance requirements appropriate to whatever vehicle is chosen.**

(b) Notice of motion no.17 - Planning Policy - From Councillors Chris Caswill (Chippenham Monkton Division) and Jon Hubbard (Melksham South Division)

The Chairman reported receipt of the following motion from Cllrs Chris Caswill and Jon Hubbard:

“Council notes with deep concern the intention outlined in the Budget speech to deconstruct current planning regulations and systems in favour of a centrally imposed "pro-development" policy. Council wishes to draw attention to the conflict between these proposals and the Government's commitment to "localism", and to the reduction which these proposals will bring in to the ability of local councils and local citizens to influence planning outcomes in their areas.

Council resolves to communicate these concerns to the relevant Ministers and to Wiltshire MP's, together with a request that these proposals be reconsidered.”

On being moved and seconded, the Chairman invited Cllr Caswill to speak to his

motion. Cllr Caswill considered that this was of vital importance to planning in terms of being fair, accountable and properly regulated. He also considered that planning was being confronted with central government dictate and that there was confusion in the Localism Bill on planning with a presumption in favour of development.

By consensus, it was agreed to debate the motion.

Cllr Newbury expressed concern over adopting such a motion without the benefit of a report providing the required background information. A number of other Councillors echoed this sentiment.

Cllr John Brady, Cabinet member for Economic Development, Planning and Housing explained that the Council still had its strategic planning ability and that the presumption in favour of development was now new. What was new was to have sustainable development. The Council would still be able to control its planning destiny through its Core Strategy and its strategic planning capabilities.

On being put to the vote, the motion was LOST and a recorded vote having been requested by the requisite number of Councillors, the voting was recorded as follows:

For the motion (21)

Cllrs Desna Allen, Trevor Carbin, Chris Caswill, Peter Colmer, Paul Darby, Bill Douglas, Peggy Dow, Nick Fogg, Russell Hawker, Malcolm Hewson, Jon Hubbard, George Jeans, David Jenkins, Simon Killane, John Knight, Howard Marshall, Francis Morland, Jeff Osborn, Mark Packard, Judy Rooke and Graham Wright.

Against the motion (51)

Cllrs Richard Beattie, Chuck Berry, John Brady, Richard Britton, Liz Bryant, Allison Bucknell, Jane Burton, Richard Clewer, Christopher Cochrane, Linda Conley, Mark Connolly, Christine Crisp, Andrew Davis, Fleur de Rhe Philipe, Tony Deane, Peter Doyle, Peter Fuller, Richard Gamble, Jose Green, Mollie Groom, Lionel Grundy, Brig. Robert Hall, Mike Hewitt, Alan Hill, Charles Howard, Keith Humphries, Peter Hutton, Tom James, Julian Johnson, Jerry Kunkler, Jacqui Lay, Alan Macrae, Laura Mayes, Bill Moss, Christopher Newbury, John Noeken, Jeff Ody, Sheila Parker, Bill Roberts, Jane Scott, Jonathon Seed, John Smale, Carole Soden, Toby Sturgis, John Thomson, Dick Tonge, Bridget Wayman, Fred Westmorland, Stuart Wheeler, Roy While and Chris Williams.

Resolved:

That motion no. 17 above be NOT adopted.

(d) **Notice of motion no.18 - Proposed changes to the NHS - From Councillors Jon Hubbard (Melksham South Division) and Simon Killane (Malmesbury Division)**

The Chairman reported receipt of the following notice of motion submitted by Cllrs Jon Hubbard and Simon Killane:

‘Council welcomes the Government’s pause for reflection on the proposed changes to the NHS.

Given the importance of this issue for the citizens of Wiltshire, Council resolves to communicate the following views as part of this reflection process:

- any moves to GP commissioning should avoid a fragmentation of service across Wiltshire and dysfunctional competition between consortia
- there should be no presumption in favour of market options or for taking the cheapest proposal for service provision and
- governance arrangements should include a presumption in favour of majority contributions from members of this Authority, in order to enhance democratic oversight of the NHS at local level.’

On being moved and seconded, the Chairman invited Cllr Hubbard to speak to his motion. Cllr Hubbard explained that users of the health service would be significantly affected. His motion sought to highlight various issues including the fragmentation of services as a result to changes to GP commissioning which would lead to a variance of services; cherry picking of more profitable services; viability of services and concerns over public accountability. For these reasons, Cllr Hubbard commented that the proposals should be challenged and questioned.

The Leader considered that the timing of the motion was wrong. Such proposals needed to be considered together with the Council’s health partners. The Council had responded to the original Bill following talks with GP’s. GP commissioning should be coterminous with our boundary. Procurement in the health service should be excellent on par with the Council to ensure both quality and value for money. The Health and Adult Social Care Scrutiny Select Committee could if it so wished consider the Bill and make recommendations accordingly.

Cllr Keith Humphries, Cabinet member for Health and Wellbeing explained that a series of briefings would be arranged for members to explain the range of services proposed to be provided. Cllr Hewitt, Chairman of the Health and Adult Social Care Scrutiny Select Committee explained that he did not agree with all parts of the motion. He explained that the Scrutiny Select Committee was working hard, most recently looking at proposals to reconfigure centres for heart surgery.

On being put to the vote, the motion was LOST and it was therefore

Resolved:

That motion no. 18 above be NOT adopted.

110. **Minutes of Cabinet and Committees**

The Chairman moved that Council receive and note the under mentioned minutes as listed in the separate Minutes Book and this was duly seconded by the Vice-Chairman.

Meeting	Date
Cabinet	22 March and 19 April 2011
Cabinet Capital Assets Committee	19 April 2011
Joint Overview and Scrutiny Select Committee	10 February 2011
Organisation and Resources Select	24 March 2011
Children's Services Select Committee	17 March 2011
Health and Adult Social Care Select Committee	10 March 2011
Environment Select Committee	2 March 2011
Licensing Committee	5 April 2011
Strategic Planning Committee April 2011	16 February, 16 March and 6 April 2011
Northern Area Planning Committee	16 February, 9 March, 30 March and 20 April 2011
Eastern Area Planning Committee	17 February, 31 March and 21 April 2011
Southern Area Planning Committee	10 February, 3 March, 24 March, 14 April and 5 May 2011
Western Area Planning Committee	2 March, 23 March, 13 April and 4 May 2011
Standards Committee	9 March 2011

Officer Appointments Committee	6 April 2011
Staffing Policy Committee	9 March and 5 April 2011
Audit Committee	23 March 2011
Wiltshire Pension Fund Committee	1 March 2011

The Chairman then invited questions from Councillors on points of information or clarification on the above mentioned minutes and gave the Chairmen of those meetings the opportunity to make any important announcements on the work of their respective Committees.

Cabinet

Cabinet Members – Area of Responsibility

The Leader referred Councillors to the change to Cabinet members' area of responsibility details of which were circulated. One additional responsibility for the Deputy Leader, Cllr John Thomson related to equalities and diversity.

Organisation and Resources Select Committee

Cllr Jeff Osborn, Chairman of the Select Committee reported that the Task Group on S.106 Agreements would be meeting on 18 May. He explained the need to keep an eye on the Agreements and that the best way of doing this was via the Area Boards. This had been done at Trowbridge although a response was still awaited.

Children's Services Scrutiny Select Committee

The Task Group on Special Schools and SEN had recently met under the chairmanship of Cllr Graham Payne. It was estimated to take between 12-18 months to complete its work.

Licensing Committee

Consultation was currently taking place on a revised consent street trading policy.

Audit Committee

Cllr Caswill asked the Chairman of the Audit Committee, Cllr Roy While on when he became aware of losing the Chief Internal Auditor to which Cllr While replied.

Wiltshire Pension Fund Committee

Cllr Tony Deane, Chairman of the Committee thanked Councillors for their loyal attendance at meetings and reminded them that a training session had been arranged for 9 June.

Resolved:

That the above mentioned minutes be received and noted.

111. **Community Governance Reviews**

For details of interests declared in this item, please refer to minute no. 99 above.

At the Chairman's invitation, Cllr John Noeken, Cabinet member for Resources presented a report which informed Council of the current pressures and recommended a policy for dealing with the requests for boundary reviews.

The Council was required to undertake Governance reviews ie to keep under review the boundaries and seating arrangements of parishes and parish wards within the County. Some parishes had requested a review of their boundaries. The report advised that as over 50% of the electorate would already have new parish arrangements in place for the 2013 elections, no further work should be undertaken on a countywide governance review until at least after that time.

A debate ensued and although there was sympathy with the rationale, it was considered that there were various anomalies mainly as a result of development which should be addressed with a number of Councillors citing examples in their respective areas. Cllr John Noeken gave an undertaking to look at these anomalies and address the ones which could be done relatively quickly at the earliest opportunity.

Resolved:

- (a) That Council agrees that no Governance Reviews be undertaken until at least after the 2013 elections. Minor alterations which could be considered under the Local Government Act 1972 Act be investigated.**
- (b) That exceptionally, the apparent anomaly with regard to the Warminster Copheap and Wylve Town ward continue to be investigated with the successor body to the Boundary Committee of the Electoral Commission.**

112. **Polling Station Review**

Cllr John Noeken, Cabinet member for Resources presented a report which explained that the Council was required by the Electoral Administration Act 2006 to undertake a polling station review every four years from 2007. Council was advised that a review would be commenced shortly.

Council was asked to establish a small working party to work with officers to act as a sounding board on proposals prior to them being presented to Council for consideration. A discussion ensued on the composition of the working party and it was agreed that Group Leaders be asked to agree the size and membership of the working party.

Resolved:

That a small working party, size and composition to be agreed with Group Leaders be established to work with officers to act as a sounding board prior to submission of a Polling Station Review scheme for consideration by Council at a later date.

113. **Parliamentary Boundary Review**

Cllr John Noeken, Cabinet member for Resources presented a report on the Parliamentary Boundary Review.

The independent Boundary Commission for England (BCE) had begun work on redrawing the map of parliamentary constituencies following the enactment of the Parliamentary Voting System and Constituencies Act 2011. It was not clear at this stage how or when consultation would be carried out, but the purpose of this report was to enable Council to consider the process it wishes to use to respond to any such consultation.

Resolved:

To establish a small working party to consider any proposals emerging from the Boundary Commission for England and undertake any detailed work required to formulate a draft response to the Commission to be agreed at a future meeting of Council. Membership of the working party to be agreed with Group Leaders.

114. **Annual Report of the Standards Committee**

At the invitation of the Chairman, Mrs Isabel McCord, Chairman of the Standards Committee presented the Annual Report of the Standards Committee for the period 2010/11.

Mrs McCord explained that it had been a busy year for the Standards Committee with its main work being dealing with complaints against elected

members into alleged breaches of the Code of Conduct. It had also determined applications for dispensations and been instrumental in reviewing the Constitution on the Council's behalf. The Committee had also been examining the implications of the Localism Bill with particular reference to proposals to abolish the national standards regime. She thanked members of the Standards Committee and the Focus Group on the Review of the Constitution and officers for their continued hard work and support. She looked forward to 2011/12 and all the challenges it would bring.

Mrs McCord responded to questions.

Resolved:

That the Annual Report of the Standards Committee for 2010/11 be received and noted.

115. **Annual Report from the Corporate Parenting Panel**

Cllr Sheila Parker, Portfolio Holder for Vulnerable Children and Chairman of the Corporate Parenting Panel presented the Annual Report of the Corporate Parenting Panel for the period 2010/11.

Cllr Parker explained the work of the Panel, highlighted achievements and the challenges it faced. New style meetings of the Panel would be launched in June to include less formal workshops. In keeping with Councillors' role as corporate parents, she urged all Councillors to participate in the workshops and to attend the Total Respect training course on 2 June.

Resolved:

That Council receive and note the Annual Report of the Corporate Parenting Panel for the period 2010/11.

116. **Wiltshire Police Authority**

The minutes of the Wiltshire Police Authority meetings held on 10 February and 7 April 2011 and the report of the Police Authority were received and noted. No questions on these documents had been received from Councillors.

117. **Wiltshire and Swindon Fire Authority Minutes**

The minutes of the Wiltshire and Swindon Fire Authority meetings held on 17 and 21 February 2011 were received and noted. No questions had been raised by Councillors.

Appendices

Appendix 1 – List of Area Boards (minute no. 105(c) refers

Appendix 2 – Membership of Committees (minute no. 105(e) refers

Appendix 3 – Councillors' questions and responses (minute no. 108 refers)

(Duration of meeting: 10.30am – 3.45pm
Including adjournment for lunch 12.30pm – 1.30pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024, e-mail
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Area Boards: Electoral Divisions**Amesbury Area Board****Electoral Divisions 6**

Amesbury East
 Amesbury West
 Till & Wylve Valley
 Durrington & Larkhill
 Bulford, Allington & Figheldean
 Bourne & Woodford Valley

Members

John Noeken
 Fred Westmoreland
 Ian West
 Graham Wright
 John Smale
 Mike Hewitt

Bradford on Avon Area Board**Electoral Divisions 4**

Holt & Staverton
 Winsley & Westwood
 Bradford on Avon North
 Bradford on Avon South

Members

Trevor Carbin
 Linda Conley
 Rosemary Brown
 Malcolm Hewson

Calne Area Board**Electoral Divisions 5**

Calne Rural
 Calne North
 Calne Chilvester & Abberd
 Calne Central
 Calne South & Cherhill

Members

Christine Crisp
 Chuck Berry
 Tony Trotman
 Howard Marshall
 Alan Hill

Chippenham Area Board**Electoral Divisions 10**

By Brook
 Chippenham Cepen Park & Derriads
 Chippenham Cepen Park & Redlands
 Chippenham Hardenhuish
 Chippenham Monkton
 Chippenham Queens and Sheldon
 Chippenham Hardens and England
 Chippenham Lowdon and Rowden
 Chippenham Pewsham
 Kington

Members

Jane Scott
 Peter Hutton
 Nina Phillips
 Paul Darby
 Chris Caswill
 Desna Allen
 William Douglas
 Judy Rooke
 Mark Packard
 Howard Greenman

Corsham Area Board

Electoral Divisions 4

Box and Colerne
 Corsham Pickwick
 Corsham without & Box Hill
 Corsham Town

Members

Sheila Parker
 Alan Macrae
 Dick Tonge
 Peter Davis

Devizes Area Board

Electoral Divisions 7

Bromham, Rowde and Potterne
 Devizes & Roundway South
 Devizes East
 Devizes North
 Roundway
 The Lavingtons & Erlestoke
 Urchfont & The Cannings

Members

Liz Bryant
 Jeff Ody
 Jane Burton
 Nigel Carter
 Laura Mayes
 Richard Gamble
 Lionel Grundy

Malmesbury Area Board

Electoral Divisions 4

Brinkworth
 Malmesbury
 Minety
 Sherston

Members

Toby Sturgis
 Simon Killane
 Carole Soden
 John Thomson

Marlborough Area Board

Electoral Divisions 4

Aldbourn & Ramsbury
 Marlborough East
 Marlborough West
 West Selkley

Members

Chris Humphries
 Peggy Dow
 John Fogg
 Jemima Milton

Melksham Area Board

Electoral Divisions 6

Melksham Central
 Melksham North
 Melksham South
 Melksham Without North
 Melksham Without South
 Summerham and Seend

Members

Stephen Petty
 Rod Eaton
 Jon Hubbard
 Mark Griffiths
 Roy While
 Jonathon Seed

Pewsey and Tidworth Area Committee

Electoral Divisions 6

Pewsey Vale
Pewsey
Burbage & The Bedwyns
The Collingbournes & Netheravon
Ludgershall & Perham Down
Tidworth

Members

Robert Hall
Jerry Kunkler
Stuart Wheeler
Charles Howard
Chris Williams
Mark Connolly

Salisbury Area Board

Electoral Divisions 8

Salisbury Fisherton & Bemerton Village
Salisbury Bemerton
Salisbury Harnham
Salisbury St Edmund & Milford
Salisbury St Francis & Stratford
Salisbury St Mark's & Bishopdown
Salisbury St Martin's & Cathedral
Salisbury St Paul's

Members

Christopher Cochrane
Ricky Rogers
Brian Dalton
Paul Sample
Mary Douglas
Bill Moss
John Brady
Richard Clewer

South West Wiltshire Area Board
--

Electoral Divisions 5

Fovant & Chalke Valley
Mere
Nadder & East Knoyle
Tisbury
Wilton & Lower Wylde Valley

Members

Jose Green
George Jeans
Bridget Wayman
Tony Deane
Richard Beattie

Southern Wiltshire Area Board

Electoral Divisions 5

Alderbury & Whiteparish
Downton & Ebbel Valley
Laverstock, Ford and Old Sarum
Redlynch & Landford
Winterslow

Members

Richard Britton
Julian Johnson
Ian McLennan
Leo Randall
Christopher Devine

Trowbridge Area Board

Electoral Divisions 9

Hilperton
 Southwick
 Trowbridge Adcroft
 Trowbridge Central
 Trowbridge Drynham
 Trowbridge Grove
 Trowbridge Lambrok
 Trowbridge Park
 Trowbridge Paxcroft

Members

Ernie Clark
 Francis Morland
 Tom James
 John Knight
 Graham Payne
 Jeff Osborn
 Helen Osborn
 Peter Fuller
 Steve Oldrieve

Warminster Area Board

Electoral Divisions 5

Waminster without
 Warminster Broadway
 Warminster Copheap and Wylve
 Warminster East
 Warminster West

Members

Fleur de Rhe- Philipe
 Keith Humphries
 Christopher Newbury
 Andrew Davis
 Pip Ridout

Westbury Area Board

Electoral Divisions 4

Ethandune
 Westbury East
 Westbury North
 Westbury West

Members

Julie Swabey
 Michael Cuthbert-Murray
 David Jenkins
 Russell Hawker

Wootton Bassett and Cricklade Area Board

Electoral Divisions 6

Cricklade and Latton
 Lyneham
 Purton
 Wootton Bassett East
 Wootton Bassett North
 Wootton Bassett South

Members

Peter Colmer
 Allison Bucknell
 Jacqui Lay
 Mollie Groom
 Bill Roberts
 Peter Doyle

Membership of Committees
2011/12

Strategic Planning Committee (13)

Conservative Group (9)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	Devizes Guardians (0)
C Howard	S.Petty	-	F Morland	-
M Connolly	I. West			
C. Crisp	G. Wright			
A. Davis				
P.Fuller				
C Humphries				
J. Johnson				
T. Trotman				
F. Westmoreland				
Substitutes:				
M. Groom	B. Douglas		E.Clark	
J. Lay	J Knight		N.Fogg	
L. Randall	M Packard		R Hawker	

Area Planning Committee – East (9)

Conservative Group (6)	Liberal Democrat Group (1)	Labour Group (0)	Independent (1)	Devizes Guardians (1)
J Milton	P Dow	-	J Fogg	J Burton
R Gamble				
C. Howard				
C Humphries				
L Mayes				
C Williams				
Substitutes:				
L Bryant	T Carbin		G.Jeans	J.Ody
J. Kunkler	P Colmer		C. Newbury	N Carter
J. Seed	S Killane		F Morland	

Area Planning Committee – North (10)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (0)	Independent (0)	Devizes Guardians (0)
C Crisp	P. Colmer	-	-	-
P Davis	S Killane			
P Doyle	H. Marshall			
A Hill				
P Hutton				
T Sturgis				
T Trotman				
Substitutes:				
C Berry	D Allen			
M Groom	B Douglas			
B Roberts	M. Packard			

Area Planning Committee – South (11)

Conservative Group (6)	Liberal Democrat Group (3)	Labour Group (1)	Independent (1)	Devizes Guardians (0)
R. Britton	B. Dalton	I. McLennan	G. Jeans	
C Devine	P Sample			
M Douglas	I. West			
J Green				
M Hewitt				
F Westmoreland				
Substitutes:				
W Moss	P Colmer	R. Rogers	E.Clark	
L. Randall	D Jenkins		R.Hawker	
J Smale	G Wright		C.Newbury	

Area Planning Committee – West (11)

Conservative Group (6)	Liberal Democrat Group (3)	Labour Group (0)	Independent (2)	Devizes Guardians (0)
R Eaton	T Carbin	-	E. Clark	-
P Fuller	J Knight		C. Newbury	
M Griffiths	S Petty			
P Ridout				
J Seed				
R While				
Substitutes:				
A Davis	R Brown		F Morland	
F De Rhé-Philippe	M Hewson		R Hawker	
K Humphries	H Osborn		T.James	

Licensing Committee (12)

Conservative Group (8)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	Devizes Guardians (0)
R Beattie	D Allen	-	G Jeans	-
R Eaton	P Dow			
J Green	M Hewson			
J Lay				
B Moss				
N Phillips				
B Roberts				
J Seed				
Substitutes:				
A Bucknell	T Carbin			
L Bryant	B Douglas			
P Ridout	J Hubbard			

Organisation and Resources Select Committee (13)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (1)	Independent (1)	Devizes Guardians (1)
T. Deane	J Osborn	R Rogers	N Fogg	N Carter
C Devine	M Packard			
P Doyle	J Rooke			
C Howard				
J Lay				
B Roberts				
J Seed				
Substitutes:				
C Berry	D Allen		E Clark	J Burton
M. Douglas	P Colmer		R Hawker	J. Ody
P Ridout	J Hubbard		C Newbury	

Children's Services Select Committee (13)

Conservative Group (9)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	Devizes Guardians (0)
C Crisp	P Darby	-	R Hawker	-
A Davis	J Hubbard			
P. Davis	H Osborn			
M Douglas				
P Fuller				
M Griffiths				
J Lay				
B Moss				
C Soden				
Substitutes:				
C Devine	P Dow		E Clark	
M Groom	J Knight		N Fogg	
B Roberts	J Osborn		T James	

Health and Adult Social Care Select Committee (13)

Conservative Group (8)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	Devizes Guardians (1)
C Berry	D Allen		T James	J Burton
C Crisp	C Caswill			
P Davis	P Colmer			
M Hewitt				
P Hutton				
N Phillips				
P Ridout				
B Roberts				
Substitutes:				
R. Britton	D Jenkins		N Fogg	N. Carter
M Douglas	J Osborn		R Hawker	J. Ody
W. Moss	J Rooke		G Jeans	

Environment Select Committee (13)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (1)	Independent (1)	Devizes Guardians (1)
C Berry	R Brown	I. McLennan	T James	N Carter
P Doyle	H Marshall			
J Green	S Oldrieve			
M Groom				
A Hill				
C Humphries				
L Randall				
Substitutes:				
C Howard	T Carbin		N Fogg	J. Burton
J Johnson	B Dalton		R Hawker	J. Ody
T Trotman	B Douglas		G Jeans	

Audit Committee (13)

Conservative Group (8)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	Devizes Guardians (1)
R Britton	C Caswill	-	G Jeans	N Carter
P Doyle	D Jenkins			
J Johnson	H Osborn			
J Lay				
A Macrae				
S Parker				
B Wayman				
R While				
Substitutes:				
R. Eaton	P Colmer		E Clark	
M Griffiths	H Marshall		M Cuthbert-Murray	
M. Groom	M Packard		F Morland	

Appeals Committee (9)

Conservative Group (6)	Liberal Democrat Group (3)	Labour Group (0)	Independent (0)	Devizes Guardians (0)
A Bucknell	B Douglas	-	-	-
A Davis	D Jenkins			
P Davis	H Osborn			
A. Hill				
B Wayman				
R While				
Substitutes:				
C Crisp	P Dow			
C Cochrane	P Darby			
J Milton	I West			

Staffing Policy Committee (9)

Conservative Group (6)	Liberal Democrat Group (2)	Labour Group (0)	Independent (1)	Devizes Guardians (0)
A Bucknell	J Hubbard	-	F Morland	-
R Eaton	M Packard			
M Hewitt				
J Noeken				
J Smale				
J Scott				
Substitutes:				
M Douglas	R Brown		E Clark	
B Moss	C Caswill		G Jeans	
J Seed	M Hewson		C Newbury	

Officer Appointments Committee (5)

Conservative Group (3)	Liberal Democrat Group (1)	Labour Group (0)	Independent (1)	Devizes Guardians (0)
L Grundy	J Hubbard	-	C Newbury	-
J Scott				
J Thomson				
Substitutes:				
J Noeken	P Colmer		E Clark	
J Brady	M Hewson		G Jeans	
F de Rhe-Philippe	J Knight		T James	

Pension Fund Committee (5)

Conservative Group (3)	Liberal Democrat Group (2)	Labour Group (0)	Independent (0)	Devizes Guardians (0)
T Deane	M Packard	-	-	-
C Howard	J Osborn			
S Parker				
Substitutes:				
J Brady	M Hewson			
F De Rhé-Philippe	D Jenkins			
W Moss	H Osborn			

Joint Committee for Appointment to Wiltshire Police Authority (7)

Conservative Group (4)	Liberal Democrat Group (2)	Labour Group (0)	Independent (1)	Devizes Guardians (0)
Fleur de Rhe-Philippe	C Caswill		C Newbury	
L Grundy	P Sample			
C Soden				
J Scott				
Substitutes:				
K Humphries	P Colmer		E Clark	
J Thomson	J Hubbard		G Jeans	
R Tonge	J Osborn		T James	

Great Western Ambulance Joint Scrutiny Committee (3)

Conservative Group (2)	Liberal Democrat Group (0)	Labour Group (1)	Independent (0)	Devizes Guardians (0)
C Crisp	-	I McLennan	-	-
M Hewitt				
Substitutes:				
P Hutton		R Rogers		
P Ridout				

Approved by Council 17 May 2011

Councillors' Questions

Questions From Councillor Michael Cuthbert-Murray
Westbury East Division

Question 1 – to Leader

Would you please quantify exactly what you mean when you refer to “Front Line Services”?

Response

Front line services are services which are delivered directly to or for the council's customers – that is: citizens of all ages, visitors and businesses. These services include (among many others) benefits, housing, planning/development control, registration, social services, schools and education, leisure, road repairs, libraries, waste collection and recycling, parking, licensing, and libraries. Services such as ICT, human resources, procurement or finance, while essential for front line service delivery, are support services.

Question 2 to Councillor John Thomson

Could you please give reasons for the inordinately long delays in finalising the tender documents for the Help at Home contract?

Response

The tendering process for these services commenced on September 23rd when expressions of interest were invited. Pre-qualification questionnaires were returned and evaluated by January 15th. Bidders days were held in February, March, and two in April with the Invitation to Tender being issued on April 21st.

This is an extremely complex procurement that has necessitated a completely new approach to the commissioning of care and support services. We are not aware of any similar procurement having been undertaken either regionally or nationally. Throughout the tender process which has been lengthy, regular meetings have taken place with prospective providers to ensure they are able to inform and influence the final documents. This has resulted in a suite of Invitation to Tender documents which are detailed, informed by providers, customers and commissioners, and which reflect an approach to their development that is consultative. Throughout the process prospective providers have been fully informed of the tender timetable.

The net result of this work will be a new integrated care and support service that will be focused on meeting the needs of customers and which will be available to the whole population of Wiltshire. Alongside this care and support service the Council will be commissioning an out of hours response service and a new equipment and practical help in the home service. As a result of these services it is expected that more people will be able to remain in their home of choice because they will be able to access a range of services that will assist them to do this.

Question 3 to Councillor John Noeken

Are you entirely certain that your IT department has now stabilised and is operating at an acceptable level given the missed target deadlines and the increased costs particularly in respect of the Disaster Recovery program that is still under performing some 4 years after its commencement?

Response

As the Cabinet member with responsibility I spend a fair amount of time with staff from all levels of the ICT Team. Over the past six months I have witnessed at first hand the significant improvement in delivery achieved by the staff within ICT. As members may be aware, we have recently been featured as a case study by Microsoft and across the board feedback on the improvements to the service in recent months have been consistently positive. At the time of the in source from Steria, we briefed members of scrutiny that performance was likely to dip before recovering, to the great credit of the team involved performance has actually improved. As with all services, some target deadlines have occasionally been missed but I am proud of the significant overall improvement made and the ability of the ICT team to do this within ever tightening budgets. We regularly update our Disaster Recovery plans and I understand that ICT Managers have already agreed to update scrutiny on our business continuity and disaster recovery plans and approach.

Question 4 to Councillor John Noeken

Do you believe that morale in your IT department is high and are you aware of accusations of “bullying” from middle management towards subordinates?

Response

I am most certainly aware of an accusation of “Bullying” that was raised by an anonymous person on the 15th March 2011. This claim was unsubstantiated, and no further claims have been received since then. This council does not tolerate any such alleged behaviour. Like all good organisations, we have confidential systems and procedures with a robust whistle blowing procedure in place designed to protect people who wish to raise concerns. You also specifically mention morale in the IT Department. I know from my own personal involvement in that area that morale is good; an area which has achieved so much, particularly in the last twelve months with colleagues who are passionate about their progress and their vital contribution to the council and its systems.

Question 5 to Leader

Are you still of the opinion that a zero percentage rise in Council Tax can be achieved for financial year 2012 – 2013?

Response

At this stage we have recently set out a four year Financial Plan to deliver our Business Plan. That sets out the aspiration for a no rise in Council Tax in 2012-13. We have made no departures from that. We will continue to review our funding and cost base throughout 2011-12 and identify and review all options to continually improve services and make efficiencies to deliver a balanced budget.

Question 6 to Councillor Toby Sturgis

If you really want to achieve harmonisation across the Council, when are you going to open the Refuse Collection contract for tender across the whole County and not just in West Wiltshire?

Response

The waste collection contract for west Wiltshire ends in 2014. During 2011-12 we will carry out a fundamental review of our waste management services. This will result in the production of a specification for future service delivery and will inform whether collection services will be provided directly by the council, by a single private sector company or a combination of service providers.

Question 7 to Councillor John Brady

If you really want to achieve harmonisation across the Council, when are you going to ballot the tenants in the former Salisbury District Council Area to ascertain their view as to moving to Housing Association control of the housing stock?

Response

Wiltshire council has a strong commitment to ensuring that our tenants receive a very good quality landlord service and that we work to deliver the aspirations of our tenants.

There have been two previous ballots of all council housing tenants on the question of transferring the stock to a housing association. These were both conducted by Salisbury District Council and on each occasion the proposal was firmly rejected by tenants. The most recent ballot was conducted in 2006 following an option appraisal that led the council and tenant representatives to believe that there were considerable benefits to be delivered through stock transfer. After a thorough consultation all tenants were able to vote in a ballot and over 70% of those voting registered their opposition to stock transfer.

Since the stock has been the responsibility of Wiltshire Council it has been very evident that there has been no desire on the part of our tenants to transfer to a housing association and the council has been keen to reassure tenants that we have no desire to go through a very costly consultation and ballot that would very likely produce the same result. Furthermore the change in the financing of council housing as provided for in the Localism Bill effectively removes the financial advantages of transferring to a housing association and indeed appears to offer a much improved opportunity for investment in our stock.

We know that the tenants have expressed their clear preference to stay as council tenants and so we are now committed to an ambitious programme of improvement to provide a landlord service that is amongst the top performing local authority landlords.

Question 8 to Councillor Dick Tonge

Are you entirely happy that your review of car parking charges last winter was entirely unequivocal?

Response

I am happy that the review was conducted in a professional, open and transparent manner and was subject to a high degree of public and councillor scrutiny.

In summary;

An initial report on the proposed approach to reviewing the Local Transport Plan (LTP) parking plan was presented to the Environment Select Committee on 12 January 2010; the resolution of this committee was taken on board in the subsequent review undertaken by the Council's term consultant, Mouchel.

Public consultation on Mouchel's reports was carried out from 12 July to 3 September 2010. In total, 570 people and organisations responded through the consultation web portal or by completing questionnaires and submitting letters, making 4,582 comments. A number of letters were also received from Parish and Town Councils, and Chambers of Commerce. In addition, a petition and survey were organised by Amesbury Community Partnership and Mere and District Chamber of Trade respectively.

While a number of respondents did comment on the nature and length of the consultation document, the subject matter and the breadth of the intended audience necessitated that the document covered the full gamut of parking matters in adequate detail. Overall, the consultation was undertaken in conformity with the Council's consultation strategy and was based on the principles set out in the Wiltshire Local Development Framework (LDF) Statement of Community Involvement. As required by government guidance and internal procedures, the review was also subject to an equality impact assessment.

Feedback on the consultation findings was presented to the Area Boards between 22 September and 23 November.

The Environment Select Committee considered the review at its meeting on 2 November and then again on 21 December. The LTP3 Car Parking Strategy was considered and approved by the Council's Cabinet on 14 December - the officer's report shows how respondents' comments were considered in producing the final strategy document. Full Council then debated and approved the strategy at its meeting on 22 February 2011.

In terms of the review itself, this sought, amongst other things, to deal with a general lack of consistency in parking charges, standards and management in Wiltshire as a result of having four former district councils. An important part in achieving a more consistent approach was the introduction of the concept of four spatial bands which was based on the hierarchy in the emerging Local Development Framework (which considers the role and function of towns, and their level of facilities and services), population levels, the availability of sustainable transport alternatives and operational parking issues. The majority of respondents to the consultation supported the concept of spatial bands.

The process outlined above clearly demonstrates that the review of the LTP parking plan was open, transparent and subject to a high degree of public and councillor scrutiny. And, by adopting the four spatial bands, the management of parking in Wiltshire's towns is now more consistent and fairer.

Question 9 to Councillor Fleur de Rhe Philippe

How are you getting on with reclaiming the lost money from Icelandic Banks? How much is still outstanding? How would you use the money if it were to come back tomorrow?

Response

The Council has outstanding deposits with two Icelandic banks (Heritable and Landsbanki) and (since July 2009) has received a number of repayments from the administrators of Heritable, amounting to over £5 million, which equates to about 56% of the original investment (£9 million).

Due to ongoing litigation proceedings, no repayments have been received from the administrators of Landsbanki (original investment of £3 million). Repayments should commence later in the year, but will depend on the outcome of an appeal lodged with the Icelandic Supreme Court relating to the decision of the Reykjavik District Court that local authorities do have priority status. The Council is liaising with the Local Government Association and legal representatives who are confident that the decision will be upheld on appeal.

Of the £12 million invested, this leaves just under £7 million outstanding. It is unlikely that the Council will recover the whole amount, however, based on the latest

information, indications are that we should recover at least 80% of the original investment.

Placing investments (and, depending on the cash position, taking out short term loans) forms part of the day to day treasury (cash) management process. Cash received (recovered) from the repayment of outstanding investments is returned to this process to fund immediate cash requirements or re-invested pending future cash requirements.

Questions From Councillor Ernie Clark Hilperton Division

Question 1 to Leader

What progress is being made to recover the 'non-pensionable honoraria' awarded either for doing additional work or 'acting up' at Kennet District Council? Has any money actually been recovered yet?

Response

We are pursuing recovery however recovery is being contested. It would be inappropriate to comment further.

Question 2 to Leader (amended since original submission)

The pay-bands of the Chief Executive and Chief Officers (2nd tier and above) are now available on the WC website. Will the Leader advise how many officers in tier 2 or above received a pay rise in the last twelve months?

Response

The pay scales of all employees of Wiltshire Council are increased annually in line with the nationally agreed pay award. **However there has been no nationally agreed pay award for 1st and 2nd tier officers (including the Chief Executive) and all other HAY graded senior managers since April 2008, and for other employees there has been no pay award since April 2009.** In addition to the nationally agreed pay award all employees subject to the terms and conditions negotiated by the national joint council or the joint negotiating committee for Chief Officers or Chief Executives are subject to incremental progression within the salary range for their post up to a maximum. For most employees there are four incremental salary points, and this is the case for all 1st and 2nd tier officers. Incremental progression takes place in April each year, and is a contractual entitlement. For 1st and 2nd tier officers progression is subject to performance. In April this year 11 1st and 2nd tier officers received an increment out of a possible 25, as a majority are already at the top of their salary band and therefore have had no incremental pay increase this year or pay award since 2008. There have been no other pay rises, other than for promotion, in the last 12 months.

Question 3 to Leader

Publically available information shows that the Chief Executive of this authority claimed £1,292.80 expenses for February this year. Can a breakdown of this figure please be given.

Response

The following provides a breakdown of the Chief Executive's expenses claimed in respect of February 2011:

£1,200	-	Accommodation costs of £600 per month (as per agreed relocation package – figure relates to costs for February and March)
£ 92.80	-	Travel and subsistence

Question 4 to Leader

The Local Government Group states, for officers in tier 2 or above, that

'Data on individuals.

10. Data to be published for each individual includes Organisation Name, Body (organisational identifier), Individual's Name (subject to consent), Job title, Service Area, Full-Time Equivalent, FTE Pay band for disclosure – this will be shown in £5,000 bands...'

However, this authority has chosen to ignore the £5k banding and, instead, publishes the whole salary band for each officer. Why is WC choosing to do this? Who made the decision to do so?

The whole idea was that the public had an approximate idea of what senior officers earn. Showing the whole spread of the pay scale seems to be an obvious attempt to thwart the wishes of Parliament. However, I am pleased to see that our senior officers have consented to their name being shown together with their job title and commend them for their openness.'

Response

The government has pledged greater transparency across the public sector through publishing data to strengthen accountability to citizens. The government has committed to publishing certain information on salaries, spending and contracts by January 2011. Guidance on this is available on the LGA website, and was revised in November 2010. This guidance outlines definitions of senior managers, i.e. those at first and second tier, and the requirement for us to publish senior salary information. The guidance provides a frame of reference for the main areas to consider and includes the provision of individual data on all senior employees earning more than

£150,000 by job title and name and individual data on all senior employees' earnings between £50,000 and £150,000 by job title only.

The Information Commissioners Office (ICO) has provided further guidance on how to disclose this information. This guidance emphasises the importance of looking at each individual case, but advocates routine disclosure of salary scales. It recommends disclosure only 'to the extent necessary to fulfil a legitimate public interest'. One way of doing this would be to disclose salary scales to the nearest £5,000, and this is the approach taken by the council initially. However when the salaries of the Chief Executive, Corporate and Service Directors were first published a number of queries were raised. The information was causing some confusion as it did not disclose actual salaries. In some cases the salary bands were exaggerating the actual salary for that employee. To provide clearer information about the salaries of senior managers, which goes beyond the guidance provided, the decision was taken by the Service Director HR & OD, in conjunction with the Governance team, to publish the actual salary range for each post. Permission to do this was sought from each senior manager, in line with the ICO guidance.

Question From Councillor Mark Packard
Chippenham Pewsham Division

Question 1 to Leader

- a. What was the structure and number of staff in Internal Audit in January 2011?
Which posts have now been declared redundant?
- b. What was the cost of the internal audit team as of January 2011?
- c. Who took the decision that the head of Internal Audit should be declared redundant?
- d. What alternative arrangements were in place when the decision was taken to make the Head of internal Audit redundant?
- e. What are the implications of this redundancy decision for the Council's options for providing and managing Internal Audit?
- f. What are the implications for public and staff confidence in the internal audit process of selecting the post of team leader for redundancy?

Response

- a. The structure has been revised with the removal of 2 of the original 5 FTE Principal Auditor posts, and therefore the team reduced from 18 – 16. Note that these are not all FTE posts and that 1.4 posts are occupied by part time staff i.e. FTE equivalent was 16.6 posts and is now 14.6.
- b. £720k to be £680k.

- c. S.151 Officer in consultation with HR and Corporate Director of Resources.
- d. This is explained in the report to Audit Committee 13.5.11 in background.
- e. This is explained in the report to Audit Committee 13.5.11 in background.
- f. No different from other parts of the organisation. The Council remains committed to an excellent IA function and is exploring all options to ensure that not for just now but coming years.

Question From Councillor Chris Caswill
Chippenham Monkton Division

Question 1 to Councillor Fleur de Rhe-Philippe

- a. Please list the Council activities audited by the Internal Audit team since the Council was established
- b. On what percentage of these audits were High Risks identified, and what was the total number of identified High Risks in the completed audits?
- c. On what percentage of the identified High and Medium risks was management action declined?
- d. Which of these audits have been considered in retrospect to have been unnecessary?

Response

- a. The Council's audit plans, IA Progress Reports and IA Annual Report set out the detailed coverage of IA in the last few years. These are available to all members and have been through Audit Committee. It is not proposed to list all completed audits here as there are so many, but the Section 151 Officer and I would be happy to discuss this with Councillor Caswill.
- b. In 2009-10 Internal Audit reported on the outcomes of 25 individual audits. 20 of these audits (80%) identified high risks, a total of 58 high risks in all. In 2010-11, up to and including the Progress Report to the Audit Committee on 23rd March, we reported on 29 individual audits, of which 16 (55%) identified high risks, a total of 43 high risks in all.
- c. Before audit reports are finalised, Internal Audit agrees with management the actions to be taken to address all high and medium risks identified by the audit, therefore in none of these cases do we have management actions declined.
- d. No audits have been deemed unnecessary.

Question 2 to Councillor Fleur de Rhe-Philippe

Does this Administration accept and work within the guidance on internal audit provided by the Chartered Institute of Public Finance and Accountancy (CIPFA)?

Which of the nine "Core HIA responsibilities" identified by CIPFA does the Council leadership now consider to be redundant?

Response

The Cabinet have asked Officers to look at alternative options to deliver an excellent Internal Audit function that includes delivering the CIPFA Code in all aspects. We feel the report considered by the Audit Committee addresses that.

None of the Core HIA Responsibilities identified by CIPFA are therefore considered redundant.

Question From Councillor Russell Hawker Westbury West Division

Question 1 to Leader

I refer to my questions to full council on 22nd February this year, which were all entirely dodged by the brief answer given that *"the chief executive has instigated a review of the process followed"* in this matter and that *"the outcome of the review will be reported to Cabinet at the earliest opportunity."*

My questions did not just relate to "the process followed", but also related to many other issues, such as the correct or legally-required process and the steps taken by individuals, including John Thomson and other cabinet members.

Can you please confirm that all my questions will be properly answered either in the report from the chief executive (which I understand is now expected to go to the cabinet meeting in June) or, if there needs to be separate answers for my questions not dealt with in the chief executive's report, that they will be properly and promptly answered by you or one of your colleagues or - for the purely technical legal issues perhaps - by a well-suited, impartial and properly qualified officer like Ian Gibbons?

I remind you of the full extent of my previous questions on 22nd February 2011, as follows:

I refer to the Confidential "Complaint Investigation Report" dated 31st August 2010 which was circulated to members by email on 11 February this year and which purports to exercise power to judge whether an alleged racist comment is actually racist.

Exactly what Law (specifying, please, the precise legislation and/or regulations and/or statutory guidance, including clause numbers and quoting the parts that apply

in this matter, or common law, including citation and basic decision summaries and principles that apply) applied or applies to the council in relation to racial equality in public meetings of the council and / or partners?

Where exactly in any of the Law does it say that a comment is racist just because someone asserts that it is - or any basis looking anything like this? What does it say?

Where exactly in any of the Law does it say that the usual common law test of "reasonableness" cannot be used at the discretion of any tribunal or judge in assessing the meaning of words in Law and whether a comment reasonably means what the complainant thinks and alleges?

What powers and authority did the "Investigator" have to carry out an investigation and also judge what is relevant and choose what is fact or not and then also decide and state a determination of the allegations in the report (ie. one person acting as in-house investigator, jury and judge), stating exactly who gave the investigator these powers and why?

What tribunal or judicial decisions exist that show that the phrase "jungle drums" is racist?

Why does the Investigation report not bother to explain any relevant law (ie. no reference to legislation or caselaw)?

Why does the report not bother to explain how the comment is believed to breach the law?

Why does the report not bother to explain the powers of the investigator or where any powers come from?

Why would anyone receiving such a report be expected to think it actually has any status in law or be legitimate or be part of any competent activity of the council or deserves to be treated with anything but concern for its obvious and astonishing shortcomings?

Which members of the cabinet were involved in this matter? At what stage did they know the contents of the report and were they required by the constitution of the council or Law to decide on how to proceed with the matter (please specify who, dates and what was decided)? Did any cabinet member approve the report (who and when)? Which staff were involved in approving the report and actions that followed?

What legal advice was given by any properly qualified legal staff in this matter at any stage (why and to who and when, by whom, stating the qualifications of the staff)?

Do you accept that there should be a better way of handling trivial complaints and have you identified what legal possibilities exist? When will a lawful but common sense approach to trivial complaints be implemented, and how?

Response

The report has not yet been finalised, and it would be inappropriate to pre-empt it by responding to these questions at this stage. However, the report should address most of the issues that have been raised by these questions.

Question From Councillor David Jenkins Westbury North Division

Question 1 to Councillor Toby Sturgis

- a. What are the chances that Wiltshire Council will start to charge residents for disposal of household rubbish at Household Recycling Centres?
- b. Will the fact that Westbury has a number of existing waste sites (at least two) have any influence on the selection of additional waste sites as detailed in the "Proposed Draft Waste Site Allocations Development Plan Document dated June 2011" in the Westbury area?
- c. I would also like to know when the work on the MBT (Mechanical Biological Treatment Plant) will start and be ready for use?

Response

- a. At present, we have no plans to charge residents for disposal of household rubbish at Household Recycling Centres.
- b. The fact that Westbury is currently home existing waste facilities does not, and arguably should not, have a bearing on the decision to allocate additional sites for potential waste uses around the town. The adopted Waste Core Strategy identifies existing industrial estates and existing / former waste sites as being **potentially** suitable **in principle** for the allocation of new facilities. Westbury offers a range of opportunities to explore the development of new waste facilities, but an allocation in a draft plan does not necessarily equate to a particular site being developed for waste uses. That will be a factor for the market to consider, but it should be borne in mind that the council is obliged by national / European policy and legislation to ensure that it has identified and allocated a flexible range of sites to address current and longer-term waste arisings.
- c. Work is scheduled to commence in August 2011. The facility is expected to be operational by late Summer 2013.

Question 2 to Leader

How many cases of fraud and theft have been identified by internal Audit activities since the formation of Wiltshire Council?

Response

Internal Audit has carried out six investigations into cases where offences have been confirmed, the total value of these cases amounting to some £33,000. In addition we have also investigated one case where police enquiries are still in progress, and which is thought to be worth around £20,000. All of these cases were referred to us from other sources, and so were not identified in the first instance by our own activities.

Question From Councillor Helen Osborn **Trowbridge Lambrook Division**

Question 1 to Leader

There is much talk in Trowbridge that the Chief Executive of this Council has, or is about to, increase his salary to over £200,000. Could the Administration please publicly state that this is not true?

Furthermore, could the Administration also consider following Eric Pickles' advice and reduce the Chief Executive's salary to the level of the Prime Minister's?

Response

No, the current salary range for the chief executive is £171,000 to £189,000. This salary range is based on market information about the median pay rates for the same or similar jobs in other councils and public sector organisations.

In terms of the comments by Eric Pickles about reducing the chief executive's salary to the level of the Prime Minister's, this is not an action being considered.

Question 2 to Councillor Toby Sturgis

Over a year ago I tabled a question to this Council on the delegation of services and assets from Wiltshire Council to Trowbridge Town Council. At that meeting I received what might at best be termed a holding response.

Last week I spoke with the Trowbridge Town Clerk and was informed that there has been no real progress - just fine words, but no action or meaningful proposals.

Please can I today have more than a holding response?

When will this Council transfer services and assets to Trowbridge Town Council?

A definite time line for negotiations would be a start.

Response

I spoke to the Trowbridge Town Clerk on Thursday 12th May to establish the status of delegation in Trowbridge.

Two possibilities have been discussed in detail;

Trowbridge Park – there is a complication with an existing contractor for grounds maintenance, the contract covers other parts of the Town and elsewhere. Novation of a contract partially and part way through its term is hazardous for all parties. It is unclear whether the best route is to go ahead with the transfer or wait until the grounds maintenance contract comes up for renewal. It is most likely that the lower risk route will be preferred and that the delegation will be delayed.

Allotments – the principle has been agreed and is with property to finalise the legal arrangements.

I am always available to address such issues should Councillor Osborn choose to contact me.

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

Question 1 to Councillor Fleur de Rhe-Philippe

- a. Given that the Audit Committee's terms of reference include approval for the strategy for internal audit, will s/he explain to Council why the Audit Committee was not in any way involved in the decision to make the post of Head of Internal Audit redundant?
- b. Why was it decided not to even provide a paper on this to the Audit Committee but rather to allow the information to come out casually in remarks by officers? Who took the decision not to provide the Committee with a paper on this?
- c. Why is the matter of the provision of Internal Audit now scheduled to be addressed by the Audit Committee in secret? What is the Council trying to hide from the public?

Response

- a. The Audit Committee has approved the Strategy. Matters of personnel are reserved to the Head of Paid Service.
- b. A paper has been provided to Audit Committee and always was to be as agreed at the behest of the Chair of the Committee, Portfolio Holder and Leader.

- c. As the report sets out details of posts and costs that could be subject to a tender process or partnership. It is considered that this matter should be taken under Part II and be dealt with in closed session for commercial sensitivity – no other reason.

Question 2 to Councillor Lionel Grundy

- a. There have repeated delays in issuing the consultation document for the future provision of Youth Services in the county and the possibility of transferring the delivery of these services to a new Mutual. Could the cabinet member reassure me that once the consultation documents are finally released and the three month consultation period has taken place that there will be adequate time to properly provision any new service before it goes live.
- b. What role will young people play in the consultation process?

Response

- a. The draft 13 to 19 Commissioning Strategy is being issued for consultation on the 13th May. The strategy includes suggestions for the future of youth work services in Wiltshire. The Youth Strategy Group is leading on the development of the strategy and has been attempting to build consensus on the way forward. Young people and representatives from key agencies who work with young people have been involved in developing the draft. This has taken time but is good practice.

A decision was taken to delay issuing the draft to ensure that the document reflects the work which has taken place. It also allowed time to ensure the draft reflected latest Government policy. This is not a problem as allowance for slippage was built into the timetable.

The final 13 to 19 strategy along with a report detailing future plans for youth work services will be presented to Cabinet on 16th September. This allows sufficient time to implement any changes to take effect from 1st April 2012.

- b. Young people have been involved in developing the 13 to 19 Commissioning Strategy right from the start. A representative from Wiltshire Assembly of Youth is a member of the Youth Strategy Group. On 24th February 38 young people attended a consultation event. The draft strategy includes a section on young people's views. Further events will take place during the 3 month consultation period including focus groups of young people in each community area.

Question 3 to Leader

Conservative run Southampton Council have introduced a scheme almost identical to the one proposed by the Liberal Democrat group in February for providing council tax relief for Police Specials

(<http://news.bbc.co.uk/1/hi/england/hampshire/7898651.stm>). Does the leader still believe the scheme proposed by the Liberal Democrats in Wiltshire to be unimplementable and unfair, and if so does she think that her Conservative colleagues in Southampton have got it wrong?

Response

The scheme is an unusual one but any additional relief means a reduction in the council's tax base and its ability to raise the same level of income. For example around 60,000 residents in Wiltshire currently claim a 25% reduction in council tax which equates to a £22 million reduction in collectable income. Everyone has to pay more as a result of the award of any discount, relief or exemption.

Wiltshire is unlike Southampton in the way that it calculates the council tax due. Southampton, being a city council does not have to collect a precept in respect of the 256 parish and town councils we have in Wiltshire. The impact of offering additional relief, discount or exemption impacts not just Wiltshire Council's ability to raise the funds it needs but every parish where an additional exemption is awarded. The calculation of council tax including parish precepts is so sensitive that any new or additional relief granted would mean an increase in the council tax that the rest of the community has to pay, and specifically in towns or parishes where 'specials' would claim their relief.

Southampton do not have parishes or town councils to consider and so the cost of the relief would be borne fairly and equally amongst all its residents.

Wiltshire Council is committed to keeping council tax levels at their current levels offering stability for all its residents, many of whom already carry out a variety of voluntary and community work, particularly at parish level. Wiltshire has many different public services within the County and therefore to identify one specific service over another without justification for such a scheme could lead to arguments of favouritism. To fund them all would be considerable and add to the pressure of funding without increasing Council Tax. In this instance Wiltshire will not be following Southampton's approach.

Question From Councillor Peter Colmer Cricklade, Latton And Marston Meysey Division

Question 1 to Councillor Dick Tonge

- a. How many claims (number & value) have Wiltshire Council received in the financial year ending 31st March 2011 for pothole related damage, and how many of those claims have been paid?

- b. What are the comparative figures for the financial year ending 31st March 2010?

Response

- a. For incidents between 01/04/10-31/03/11 we have so far received claims that relate to highway pothole damage:

Total claims – 360 of which settled are 87; settled – no cost are 123 and compensation paid £26456.00

- b. For incidents between 01/04/09 – 31/03/10 we have so far received claims that relate to highway pothole damage:

Total claims – 698 of which settled are 245; settled – no cost are 413 and compensation paid £108214.80.

Question 2 to Councillor John Brady

- a. How many empty properties are there in Wiltshire as at 31st March 2011 as compared to 31st March 2010?
- b. Can you quantify the success of the empty housing team in resolving properties that have been empty in the past year?
- c. What are the comparative figures on the 'Homes for Wiltshire' register by band as at 31st March 2011 as compared to 31st March 2010 and compared to 31st March 2009?

Response

- a. In March 2010 we had a total of 5,525 vacant properties across Wiltshire compared to 5,446 in March 2011.
- b. One of the responsibilities of the strategic housing team is to try and bring back to use empty properties within Wiltshire. As at 31st March 2011 we had a total of 5,446 empty homes in Wiltshire which is a reduction from last year and equates to around 2.7% of our total stock. This is significantly better than the national average which is 4.1%. We mainly focus our attention on long term empty homes, which are those properties that are empty for a period of 6 months or more. In March 2010 we had a total of 2,026 long term empty homes, which has reduced to 1,754 being vacant in March 2011.

As part of our responsibilities in trying to bring back to use empty homes we have made contact with all empty home owners to try and encourage them to bring them back into use and we are also actively working with housing options to make best use of the private sector to maximise the opportunities for households who are threatened with homelessness through the Wilts Let

scheme. This year through our actions we have brought back to use a total of 342 properties.

This year we completed an empty homes survey which was sent to all Parish and Town Councils in September 2010. The main purpose of the survey was to identify any issues related to empty homes that are affecting local communities. We only received 28 responses and very few had highlighted any major issues associated with empty homes, but we would encourage any parish or town council to make contact with us if they have any issues associated with empty homes.

- c. Homes4Wiltshire was launched in April 2009 with a total of 6953 on the housing register. This was a significant reduction from the 14,784 households registered between the four previous district council's in March 2009. Since April 2009 we have noticed a steady increase in the amount of households that have registered with Homes4Wiltshire.

Below shows a breakdown of the register between the current five bands in both April 2010 and our most recent breakdown in April 2011.

April 2010 Band	April 2010 Households
Platinum	227
Gold plus	203
Gold	2,209
Silver	3,048
Bronze	4,987
Total	10,654

April 2011 Band	April 2011 Households
Platinum	187
Gold plus	435
Gold	2,864
Silver	4,105
Bronze	6,209
Total	13,800

Wiltshire Council

Council

12 July 2011

Petitions Update

Petitions Received

As of 30 June 2011, the following five petitions have been received since the last update to the Council meeting on 17 May 2011:

Date received		No.	Action taken
18 May	Rampart Road Salisbury Request for one way system	24	Referred to Local Member and Chair of Community Area Board – 23 May 2011
31 May	Lack of public transport on Sundays - Purton	119	Presented to Wootton Bassett and Cricklade Area Board on 25 May and thereafter referred for consultation with Cllr Richard Gamble, Portfolio Holder for Public Transport and key officers.
13 June	Suspension of Bus Service No 54 – Wootton Bassett	126	Referred to the Wootton Bassett and Cricklade Area Board to note at a future meeting and referred for consideration by Cllr Richard Gamble, Portfolio Holder for Public Transport and key officers.
27 June	Corsham Community Centre	740	Issue to be placed upon the agenda at an upcoming meeting of the Corsham Area Board.
30 June	Loss of Allotments in Steeple Langford	17	This will be referred to the Amesbury Area Board for consideration

No petitions have been received for presentation to this Council meeting.

Note: This update does not include petitions received in respect of regulatory matters ie planning and licensing which are dealt with under different procedures.

Proposal

That Council notes the petitions received and the actions being taken, as set out in the table above.

John Quinton
Head of Democratic Services

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Wiltshire Council

Council

12 July 2011

Notice of Motion No. 19 – Affordable Credit

To consider the following notice of motion submitted by:

Councillor Jon Hubbard - Melksham South Division and
Councillor Mark Packard - Chippenham Pewsham Division

“This Council notes and welcomes the UK-wide campaign to end ‘legal loan sharking’.

This Council believes that the lack of access to affordable credit is socially and economically damaging with unaffordable credit causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears, depression and poor health.

This Council further believes that unaffordable credit is extracting wealth from the most deprived communities.

This Council supports the principle that it is the responsibility of all levels of government to try to ensure affordable credit.

This Council therefore welcomes the various Credit Unions in Wiltshire and ask council to assist all it can in promoting them through council publications and website.

This Council urges residents who may have experienced difficulties in obtaining credit at reasonable rates to contact their local credit union and also encourages other residents to consider supporting the credit union by opening a savings account.

This Council calls on the Government to introduce a cap on the total lending rate that can be charged for providing credit

This Council calls on the Government to give local authorities the power to veto licenses for high street credit agencies where they could have negative economic or social impacts on communities.”

A report is attached to assist Council in its consideration of this motion.

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Officer Response to Notice of Motion No. 19 – Affordable Credit

Purpose of Report

1. The purpose of this report is to provide Council with background information about the work that has been carried out to support credit unions in the County and to improve access to affordable credit to individuals (especially those on low incomes).

Definition of financial exclusion

2. “Many people, particularly those living on low incomes, cannot access mainstream financial products such as bank accounts and low cost loans. This **financial exclusion** imposes real costs on individuals and their families - often the most vulnerable people in our society. It also has costs for the communities in which they live” (Financial Inclusion Task Force)

Local background

3. The Bright Report on the ‘credit crunch’ (published in March 2009) highlighted a number of issues including the problems caused by the lack of affordable credit. Following the publication of the report, a partnership group led by the Council put together plans to address this issue through the ‘Action for Wiltshire’ programme.
4. On behalf of ‘Action for Wiltshire’, the County’s financial inclusion partnership (‘Wiltshire Money’) undertook to address the specific Bright Report recommendations to develop a strong and sustainable credit union service and to improve access to affordable credit.
5. Further background to this is available in a paper which went to Wiltshire Council’s Cabinet on 26 January 2010 from Councillor Jane Scott.

National background

6. The Department for Work and Pensions’ (DWP) programme for tackling financial exclusion included ‘financial inclusion champions’ and the ‘Growth Fund’. Wiltshire benefitted from the support of the Rural Financial Inclusion Champions (through the Commission for Rural Communities). In addition we were successful in our application for Growth Fund. Growth Fund was the DWP’s commercial programme to address market failure in terms of the availability of affordable credit. Through a competitive process, funding was

made available to local providers to make loans to individuals. All Growth Fund contracts came to an end by April 2011. More information on Wiltshire's success in delivering Growth Fund is described below.

7. Reducing child poverty has been a central government target for many years. The Child Poverty Act, which commits this and future governments, to eradicating child poverty by 2020 received Royal Assent in March 2010. The Act requires central government to produce a national strategy and reduce child poverty. It also requires local areas to address child poverty through cooperation between partners, the production of a needs assessment and strategy. The Wiltshire Reducing Child Poverty Strategy will go to Cabinet for approval on 26 July 2011. The Strategy identifies tackling financial exclusion in order to help reduce child poverty.

Affordable credit in Wiltshire

8. Since October 2007 affordable credit has been available in Wiltshire through a contract with the DWP (Growth Fund). The loans have been branded locally as 'Wiltshire Moneyline Loans'. Community First (Wiltshire Rural Community Council) has been the lead provider of these loans and held the contract with the DWP. This work has also been made possible through a grant from Friends Provident. The loans were characterised by the following:
 - Typically around £500
 - Interest rate of 26.8% APR
 - Targeted at people with low incomes (defined)
9. Since the autumn of 2010 the four Wiltshire credit unions have been delivering Wiltshire Moneyline Loans through a sub-contract with Community First. This has been possible through the support of other partners on Wiltshire Money including social housing landlords and Wiltshire Council. This development has been motivated by a desire to strengthen credit union services in the County.
10. The Growth Fund contract has made it possible to lend £429,550 to local people through over 800 loans. The project has significantly reduced the amount of interest families and individuals in Wiltshire would have had to pay if they instead had gone to a doorstep money lender. The difference of **£294,630.30** is the amount of money that Wiltshire Moneyline Loans has saved people of Wiltshire paying out to doorstep lenders who charge 272.2%APR. Other legal commercial lenders charge even higher interest rates. This money has been secured in Wiltshire and has been reinvested into Wiltshire businesses.
11. Although the Growth fund contract recently came to an end, the good news is that the loan pot remains in Wiltshire. This means that the credit unions can continue to recycle Wiltshire Moneyline Loans to local people.

Credit Union development in Wiltshire

12. The Bright Report recommended that the credit unions are supported and developed to provide a sustainable single service for the people of Wiltshire. Over the last 12-18 months a great deal of collaborative working has taken place between the four Wiltshire credit unions with the support of a range of partners. Wiltshire Moneyline Loans has provided a platform for agreement on common practices, policies, and IT systems.
13. The collaborative working between the credit unions has resulted in their agreement to deliver a single service throughout the county. The trading name of this service is Wiltshire Community Bank. From 1st July 2011 customers will be able to access the same financial products and the same levels of service no matter where they live in Wiltshire. This new venture is supported by Wiltshire Council through the Action for Wiltshire programme. A £40,000 grant (spread over 2 years) will enable Wiltshire Community Bank to continue to deliver Wiltshire Moneyline Loans and to provide other services to its members.
14. The ultimate goal is to have a sustainable credit union service in Wiltshire. To achieve this it is necessary for the service to attract many new members. Current credit union membership across the county is around 1,500 and there is great potential for significant growth. Wiltshire Council has already committed to providing a payroll deduction service for staff who wish to join Wiltshire Community Bank. It is hoped that this can be delivered before the end of 2011. Wiltshire Community Bank is also currently developing grant funding applications in order to fund a Business Development Manager to help it achieve the growth it needs to be fully sustainable and reduce its dependence on grants into the future.

Current national developments

15. In March 2011 the Government announced a new £73 million fund to help the modernisation and growth of credit unions so they can more effectively help those people who are financially excluded by giving them access to affordable bank and savings accounts and other financial services that meet their needs. Ministers expect the Post Office network to play a central role in enabling credit unions to reach more families. It would like to see people accessing credit union accounts across Post Office counters as well as credit union branches. In linking with credit unions the Post Office would be providing access to full transactional banking, weekly and fortnightly bill payments, savings, and low cost credit services to financially excluded people who currently have limited or no access to these services and who are often forced into the hands of loan sharks.

16. A feasibility study project steering committee are currently examining how the Government's goals in relation to banking services and affordable credit for those who are currently financially excluded can be met. More information can be found at: <http://www.dwp.gov.uk/other-specialists/the-growth-fund/latest-news/>

Niki Lewis
Service Director
Communities, Libraries, Heritage and Arts

Report Author:

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Wiltshire Council

Council

12 July 2011

Wiltshire Council Constitution

Summary

1. To seek Council approval to amend the constitution as follows:

a) Consequential amendments following a review of the Development Control Service as recommended by Cabinet at its meeting on 24 May 2011 in respect of the following parts of the constitution:

- Part 3C Scheme of Delegation (Development Control)
- Protocol 4 – Planning Code of Good Practice for Members of Wiltshire Council
- Part 3 – paragraph 2.1 – terms of reference of the Strategic Planning Committee

b) Amendments to the following documents in respect of the constitutional requirement for all matters relating to the transfer of staff in or out of the Council to come before the Cabinet:

- Part 9 – Financial Regulations: Paragraph 105
- Part 11 – Contract Regulations: Paragraph 2.11

2. To update Council on matters which remained outstanding following the last review of the constitution, namely

- Protocol 7 – Media Relations Protocol
- Part 4.3 – Guidance on Amendments to Motions

Proposals

a) Council is asked to approve the following:

- i) Part 3C - Scheme of Delegation (Development Control) as revised;**
- ii) Protocol 4 – Planning Code of Good Practice for Members of Wiltshire Council as revised;**

iii) the function of revising and or setting planning fees be delegated to the Strategic Planning Committee;

iv) to amend Part 9 – Financial Regulations and Part 11 – Contract Regulations to allow for delegation of matters involving the transfer of staff in or out of the Council as detailed at paragraph 16 of this report.

v) note the content and adoption of the amended Protocol 7 - Media Relations Protocol and Part 4.3 - Guidance on Amendments to Motions.

b) That the above decisions be incorporated into the Council’s constitution.

Reasons for Proposals

Council approval is required under Part 3 of the constitution – Responsibility for Functions to approve and amend the constitution and to update Council on matters outstanding following the last review of the constitution.

Ian Gibbons

Solicitor to the Council and Monitoring Officer

Wiltshire Council Constitution

Purpose of Report

1. To seek approval of:
 - a revised Scheme of Delegation for Development Control (Part 3C)
 - a revised Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4)
 - minor extension to the Terms of Reference of the Strategic Planning Committee (Part 3 – paragraph 2.1) and
 - amending the Financial Regulations (Part 9) and Contract Regulations (Part 11) to allow for the delegation of decisions to a particular threshold involving the transfer of staff in or out of the Council.
2. To update Council on matters which were left outstanding following the last review of the Constitution.

Background

3. A thorough review of the constitution took place during 2008/09 in order to have a fit for purpose constitution in place for the new unitary authority when it came into being on 1 April 2009. Council requested a review into the effectiveness of the constitution following six months in light of operational experience. The Standards Committee was tasked with carrying out the review which it did through a cross party and cross committee Focus Group on the Review of the Constitution (Focus Group).
4. A report on the outcome of the review by the Standards Committee was reported to Council at its meeting on 9 November 2010 when it adopted a revised constitution effective from 1 December 2010. This report focuses on amendments required to the constitution since this last review in 2010.
5. The purpose of the constitution is to:
 - enable the Council to provide clear leadership to the community of Wiltshire in partnership with citizens, businesses and other organisations;
 - support the active involvement of citizens in the process of local authority decision making;
 - help councillors represent their constituents more effectively;

- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no-one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- provide a means of improving the delivery of services to the community; and
- help the Council to focus on its strategic objectives.

Main Considerations for the Council

6. Council is asked to consider amending the constitution as follows for the under mentioned reasons:

Planning

7. It was agreed that a review of the way in which the development control service was delivered would be reviewed after nine months of operation. Accordingly, a review was carried out which included consultation with members of this Council, and parish, town and city councils. The outcome of the review was presented to the Focus Group which considered the recommended consequential amendments to the constitution in great detail.
8. A report on the outcome of the review together with the recommendations of the Focus Group was presented to Cabinet at its meeting on 19 October 2010. However, Cabinet resolved defer consideration of the report until such time as the implications of any changes to the planning system as a result of the Decentralisation and Localism Bill were known. The matter was again considered by Cabinet at its meeting on 24 May 2011 (Cabinet report attached as background information at Appendix A). Cabinet resolved as follows:
- (a) That Council be recommended to approve the following:
- the revised Scheme of Delegation for Development Control as amended (Appendix 1)
 - the revised Planning Code of Good Practice for Members of Wiltshire Council (Appendix 2)
 - that the function of revising and or setting planning fees be delegated to the Strategic Planning Committee
- (b) That the Constitution be amended accordingly.
9. Notwithstanding that the Focus Group had previously considered the proposals in detail, the informal views of members of the Standards Committee were sought in order to convey them to this meeting. This approach in lieu of being considered formally by the Committee was approved by the Chairman of the Standards Committee.

10. Informal comments from members of the Standards Committee are summarised as follows:

Paragraph Ref.	Comment
Cabinet Report 24 May 2011	
Paragraph 42	Object to the determination of planning applications made by Wiltshire Council under delegated powers
Draft Scheme of Delegation (Appendix 1)	
Bullet point 4	Suggest that only the Committee that made a decision that became subject to appeal should be able to decide whether or not to defend that decision. Time constraints are of limited relevance in this case
Bullet point 10	Ask what implications exist if a forum or working party should be open to Members
Bullet point 12	Suggest that proposed approach should not be the case if agreements were part of a permission granted by Committee
Bullet point 13	Object strongly to proposal and suggest conditions on permission granted by Committee should only be altered by Committee consent
Bullet point 16	Suggest such decisions should only be taken under delegated powers following consultation with the local Member or permitting Committee
Point (b) on call-in	Suggest that any variation and/or discharge of legal agreements should be eligible for call-in by Members
'Definitions' section	Recommend attention on the definition of a 'close relative', and question whether this should include individuals such as a sibling's partner
Draft Planning Code of Practice (Appendix 2)	
Paragraph 11(f)	Propose that representatives of Parish and Town Councils should have the same amount of time to speak at Planning Committee meetings as other interested parties (3 minutes)

11. Accordingly, Council is asked to agree the above recommendations of Cabinet taking into account the above comments and any other comments made at this meeting.

Transferring Staff in or out of the Council (TUPE arrangements)

12. Following a request by Cabinet, the Focus Group considered how the constitutional requirement whereby matters involving the transfer of staff in or out of the Council must be determined by Cabinet could be delegated. This was to avoid delays in the decision making process and make better use of Cabinet time.

13. The requirement to obtain Cabinet approval is covered by the following sections of the Constitution:

Part 9 – Financial Regulations: Paragraph 105:

“The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies in excess of £1,000,000 **which involves the transfer of any employees in or out of the council**; or the matter to which it relates is commercially, politically or strategically sensitive.”

Part 11- Contract Regulations: Paragraph 2.11:

“Cabinet approval must be obtained for any contract (or programme) which:
2.11.1 exceeds an annual value of £1 million or the total contract value exceeds £4 million;
2.11.2 **involves the transfer of any employees in or out of the council**; or
2.11.3 the matter to which it relates is commercially, politically or strategically sensitive.”

The following proposal was considered and recommended by the Focus Group:

14. Reports on staff transfers would be considered by the Corporate Leadership Team (CLT) which includes the Monitoring Officer, Chief Finance Officer and Head of HR and Organisational Development. Once approved by CLT, proposals involving less than 50 staff would be progressed for delegation to the Cabinet member for Resources following consultation with the relevant cabinet member for the particular service area concerned and relevant Scrutiny chairman. The established delegated decision procedure whereby details would be published on the Council’s website and brought to the attention of Councillors via email would be used to ensure transparency of decision making and opportunity given to make representations. Proposals involving more than 50 staff would progress to Cabinet.
15. The Monitoring Officer, Head of Procurement, the Chief Finance Officer and the Service Director for HR and Organisational Development have been consulted on this proposal and are happy with this approach. This proposal has also been circulated to members of the Standards Committee for their informal comments and no objections have been received.
16. Accordingly, Council is asked to approve the necessary amendments to the Financial Regulations and Contract Regulations as follows. The opportunity has been taken to achieve consistency between the two sections:

Part 9 – Financial Regulations: Paragraph 105:

“The Cabinet is responsible for approving the contractual arrangements for any contract (or programme) with an annual value in excess of £1 million or total value in excess of £4 million; or which involves the transfer of 50 or more employees in or out of the council; or the matter to which it relates is commercially, politically or strategically sensitive.”

Part 11- Contract Regulations: Paragraph 2.11:

“Cabinet approval must be obtained for any contract (or programme) which:

- 2.11.1 exceeds an annual value of £1 million or the total contract value exceeds £4 million;
- 2.11.2 involves the transfer of 50 or more employees in or out of the council;
or
- 2.11.3 the matter to which it relates is commercially, politically or strategically sensitive.”

17. The detail of the reporting arrangements through CLT and how the delegation would operate as referred to in paragraph 14 above will be included in guidance to officers.

Updates

18. Council at its meeting on 9 November 2010 in adopting the revised constitution, acknowledged that the two areas of the Constitution detailed below remained outstanding. Authority was delegated to the Monitoring Officer to approve these documents following further consultation.

Protocol 7 - Media Relations Protocol

19. Finalisation of a new Protocol was delayed by the late publication of DCLG's Code of Recommended Practice on Local Authority Publicity (the Code), with which the Council's Media Relations Protocol should conform. Following publication of the former, a draft Media Relations Protocol was considered initially by the Focus Group at its meeting on 3 February and endorsed with a slight amendment at its meeting on 13 June following publication of the Code as revised.
20. The Media Relations Protocol has now been approved by the Monitoring Officer following consultation with the Focus Group and the Service Director for Policy and Communication in accordance with the delegation granted by Council at its meeting on 9 November 2010. This is attached for information at Appendix 3.

Part 4.3 - Guidance on Amendments to Motions

21. The Focus Group at its meeting on 3 February 2011 considered and endorsed Guidance on Amendments to Motions which had been deferred from consideration at Council on 9 November 2010 in order to facilitate further consideration by Group Leaders and the Chairman of Council.
22. In accordance with the delegation granted by Council and following consultation with Group Leaders, the Focus Group and Chairman of Council, the Monitoring Officer has approved the Guidance in its unaltered form. A copy of the Guidance was circulated to Councillors via the Elected Wire dated 11 February 2011. The Guidance is attached for information at Appendix 4.

Ongoing Review of the Constitution

23. Council at its meeting on 9 November 2010 resolved that the Focus Group remains in being to assist with the ongoing review work of the constitution as and when required. This would also include reviewing the constitution in light of any changes as a result of the Localism legislation. The Standards Committee at its meeting on 18 May formally re-appointed the Focus Group for this purpose and remains an effective forum in which to carry out the detailed work required to review the constitution.

Ian Gibbons
Solicitor to the Council and Monitoring Officer

Report author: Yamina Rhouati, Democratic Governance Manager

Appendices:

Appendix A – Report to Cabinet on 24 May 2011 “*The Wiltshire Council Member and Parish, Town & City Council Review of the Development Control Service of Wiltshire Council following a year of operation*”

Appendix 1 – Part 3C - Scheme of Delegation (Development Control)

Appendix 2 – Protocol 4 - Planning Code of Good Practice for Members of Wiltshire Council

Appendix 3 – Protocol 7 - Adopted Media Relations Protocol, including appended Code of Recommended Practice on Local Authority Publicity

Appendix 4 – Part 4.3 – Adopted Guidance on Amendments to Motions

Wiltshire Council**Cabinet****24 May 2011**

Subject: **The Wiltshire Council Member and Parish, Town & City Council Review of the Development Control Service of Wiltshire Council following a year of operation**

Cabinet member: **Councillor John Brady**
Economic Development, Planning and Housing

Key Decision: **No**

Executive summary

On 19 October 2010 Cabinet considered a report containing recommendations for changes to the way the Development Control Service operates. The recommendations had been generated by a review of the service carried out in 2009/10. The report covered a variety of operational matters including 'The Scheme of Delegation to Officers' and 'The Planning Code of Good Practice'.

Cabinet discussed the report at the meeting where a decision was made to defer consideration to allow: -

- a) a number of suggested changes to be incorporated
- b) a separate Member meeting to take place to consider the 21 day call in rule
- c) any necessary changes to be incorporated which flowed from the then imminent publication of the Localism Bill.

In addition to the original recommendations, the current version of the report incorporates the changes requested by Cabinet and the recommendations of the Members who met to discuss the 21 day rule. The Localism Bill contained nothing which impacted on the way the service is delivered (although this may change with the publication of future consequential legislation). It also includes a revised version of the Scheme of Delegation to Officers reflecting suggestions derived from the review, changes in legislation and addressing a number of ambiguities and gaps in the scheme which have been identified since 2009.

Proposals

- (a) That Cabinet endorse the recommendations as detailed at paragraph 48 of this report.
- (b) That Council be recommended to approve the following:
 - the revised Scheme of Delegation for Development Control (Appendix 1)

- the revised Planning Code of Good Practice for Members of Wiltshire Council (Appendix 2)
- That the function of revising and or setting planning fees be delegated to the Strategic Planning Committee

and that the Constitution be amended accordingly.

Reason for proposals

The recommendations result from a careful and reasoned analysis of the consultation responses and subsequent input from Wiltshire Council members and officers and if agreed, should improve the way the Development Control Service operates, its customer focus and its performance.

The Scheme of Delegation and the Planning Code of Good Practice (Protocol) form part of the Constitution and changes to them need Council approval.

Mark Boden
Corporate Director, Neighbourhood & Planning

Wiltshire Council

Cabinet

24 May 2011

Subject: The Wiltshire Council Member and Parish, Town & City Council Review of the Development Control Service of Wiltshire Council following a year of operation

**Cabinet member: Councillor John Brady
Economic Development, Planning and Housing**

Key Decision: No

Purpose of Report

1. To seek Cabinet's agreement for changes to the manner in which Wiltshire Council's Development Control Service operates following a review of the service.

Background

2. In the lead up to the creation of the new Wiltshire Council a detailed review of the development control service was jointly undertaken by members of the former districts and county council. The objective was to produce a set of working procedures and protocols which could be used by officers and members following the creation of the new council in April 2009.
3. At that time, every effort was made to build on 'best practice' and the final operating guidelines incorporated elements from all of the former councils. Members were very conscious, however, that what they were putting into place was something which would need to be reviewed and then endorsed by the elected members of the new council. It was therefore agreed that it made eminent sense for the way the service operates to be reviewed by members and the parish, town and city councils after eight or nine months.
4. The Members of Wiltshire Council and all parish, town and city councils were canvassed between November 2009 and February 2010 and views sought on:
 - (a) The Scheme of Delegation to Officers
 - (b) The Planning Code of Good Practice
 - (c) Training
 - (d) Communication
 - (e) What is, and is not working well
 - (f) General comments/concerns/suggestions about the service.
5. Officers from the Legal & Democratic and Development Services also contributed their thoughts on appropriate changes and these were also captured. All of the feedback received was then carefully analysed and recommendations formulated.

6. The proposed recommendations were then reviewed by the Cabinet member for Neighbourhood & Planning along with the chairmen and vice chairmen of the Area and Strategic planning committees and the Focus Group on the Review of the Constitution. The changes they then proposed were incorporated into the Cabinet report.
7. Cabinet then discussed that report at its meeting on 19 October 2010 at which time a decision was made to defer consideration to: a) allow a number of suggested Cabinet changes to be incorporated, b) to allow a separate meeting to take place to consider the 21 day call in rule and c) to allow any necessary changes to be incorporated which flowed from the then imminent publication of the Localism Bill.
8. This current version of the report now incorporates Cabinet's suggestions, Member's suggested changes to the 21 day rule and comments on the implications of the Localism Bill. It also includes a revised version of the Scheme of Delegation to Officers reflecting suggestions derived from the review, changes in legislation and also addressing ambiguities and gaps in the scheme which have been identified by planning and legal officers since 2009.

Main Considerations for the Council

9. Whether to:
 - (i) Agree with the recommendations contained in this report;
 - (ii) Amend the recommendations for change;
 - (iii) Table additional recommendations.

Environmental Impact of the Proposal

10. Major operational changes in the way the Development Service is delivered could have an environmental impact but the council still has to operate the service under the umbrella of national guidelines and policy which would not be affected by any decisions made on this report.

Equalities Impact of the Proposal

11. There are none stemming from the officer recommendations contained in the report.

Risk Assessment

12. There are no recommendations in the report which expose the council to any risks, over and above those any council is exposed to when operating a regulatory planning service.

Financial Implications

13. In the main, the financial implications of the recommendations in this report stem from the officer time and resources required to implement the variety of proposed procedural changes. The principal changes will be improvements to

consultation methods and revising and improving documentation for consultees. The proposed changes to the Scheme of Delegation to Officers allowing additional categories of application to be 'called in' by Members and 'relaxing' the 21 day call in period will also have some limited resource implications.

14. The resources required to action the recommendations can be provided within existing budgets and there will be no call for additional funding.

Legal Implications

15. As contained within this report.

The Analysis and Subsequent Cabinet Suggestions

16. The detailed analysis of the feedback from the review and all recommendations were set out fully as part of the earlier October 2010 Cabinet report. The current report does not repeat this background work and focuses on the actual recommendations, the changes requested by Cabinet in October, the implications of the Localism Bill and additional revisions to update the Scheme of Delegation to Officers which it is considered expedient to make in the light of its operation for two years.

Cabinet Proposed Changes

The Scheme of Delegation to Officers.

17. Cabinet indicated that the 21-day timing for Member call in was not crucial as there was no longer any planning delivery grant. Members appreciated, however, that some timescale was necessary and the proposal was to set up a small Member group to look at the 21-day date.
18. The meeting was to be chaired by Councillor Brady and invitations were sent as requested to Councillors Wheeler, Carter, Trotman and Hubbard.
19. The meeting took place on 11 January 2011 attended by Councillors Brady and Wheeler and the decision was to recommend that Cabinet insert the following wording into the Scheme of Delegation: -

“Retain the 21 day call in limit but where it has not been possible or appropriate to call an application in within that time, officers will accept call in requests in the following circumstances: -

- a) An application has not been determined and it can still go to committee and be determined within the target date.*
- b) The application is already going to go out of time (because of negotiations/amended plans etc.) and taking it to committee will make no difference to performance.*

Where neither of the above apply, and the Division Member thinks there is a strong case to delay the determination of the application and take it to committee, they can discuss the case with the relevant Area Development

Manager who will then make an informed decision whether or not to exercise delegated powers.”

This wording has now been inserted into the revised 'Scheme of Delegation to Officers' which forms Appendix 1.

The Planning Code of Good Practice

20. Section 9.6 - second paragraph

Cabinet asked that the ability to register to speak at committee be extended to allow this to be done by phone and e-mail but no more than three working days before the meeting. The premise is that registration will take place on a first come first service basis and if one of those three speakers do not turn up the opportunity to speak will then be offered on to the fourth member of the public to speak. This wording has now been changed accordingly.

21. Section 9.6 - third paragraph

Cabinet asked officers to change the wording of the final sentence to read “If an application is near the boundary with an adjacent parish, each affected council will have a four minute slot. Any additional time will be at the committee chairman’s discretion.” This wording has now been changed.

22. Paragraph 9.7 - final paragraph

Cabinet discussed changes to the final paragraph in this section and sought clarification on the role of Members who were part of the council’s formal appeal submission team, as opposed to making independent submissions. The wording has now been changed to clarify that Members who form part of the formal team will have to submit a Rule 6 statement.

23. Section 11 - Order of Events at Committee Meetings

Cabinet was concerned about proposal (d) whereby members of the public/applicants/agents who wished to make representations in support of an application could have a conflict. Cabinet wanted the wording changed so where there were two or more members of the public who wished to speak in support of an application, only the applicant **or** agent should be allowed to speak, not both. This wording has now been changed.

All of the changes have been incorporated into the relevant sections of the revised 'Planning Code of Good Practice' which forms Appendix 2.

The Localism Bill

24. The key changes to the Planning System proposed in the Localism Bill related to: -

- Abolition of regional strategies.
- Neighbourhood planning.
- Community right to build.
- Requirement to consult communities before submitting very large planning applications.
- Strengthening enforcement rules.
- Reforming the community infrastructure levy.
- Reform the way local plans are made.

- Nationally significant infrastructure projects.
25. None of these have a direct impact on the Scheme of Delegation or the Planning Code of Good Practice but subsequent enabling legislation may have, particularly in respect of clarifying the rules on “predetermination.” The existing rules were developed to ensure that councillors came to council with an open mind. In practice, however, these rules have been interpreted in such a way as to reduce the quality of local debate and stifle valid discussion. In some cases councillors have been warned off doing such things as campaigning, talking with constituents, or publicly expressing views on local issues, for fear of being accused of bias or facing legal challenge.
 26. The Localism Bill makes it clear that it is proper for councillors to play an active part in local discussions, and that they should not be liable to legal challenge as a result.
 27. Unfortunately, the enabling legislation has not yet been passed so no changes are proposed to Section 5 of the Planning Code of Good Practice which relates to ‘Fettering Discretion in the Planning Process’. As soon as the legislation is published the appropriate changes will be made.

Review and officer proposed changes relating to the Scheme of Delegation to Officers

28. The review of the service, changes and anticipated changes to legislation and experience of operating the scheme of delegation have highlighted a number of areas where revisions and additions are necessary to allow the service to continue to operate effectively and reduce the risk of external challenge.
29. This section deals with the proposed changes to the current Scheme of Delegation to Officers and all suggested changes have been incorporated in the revised scheme at Appendix 1.

Expand categories of application which can be called in

30. Considerable concern has been expressed by respondents to the review about the current Scheme’s restriction on Members ability to call some types of application in. It is therefore proposed amend the Scheme to expand the types of application which can be called in to include Listed Building & Conservation Area Consents and Advertisements.

Enforcement

31. The current wording of the enforcement provision may be open to challenge. The intention was that officers could take enforcement action and prosecute on all planning and heritage matters where appropriate, but the wording could be interpreted as only allowing action in line with a Council, i.e. Committee/ Cabinet/Full Council decision. The wording has been amended to remove the ambiguity.

Appeals

32. Where there is a substantial risk of costs being awarded and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the council's case and time does not permit referral back to Committee, officers should be authorised to consult with the Chairman and inform the appellant and the Planning Inspectorate that the council will not seek to defend such reason(s) at appeal. A provision has been inserted.

Trees & Hedges

33. Two provisions have been added dealing specifically with tree and hedge matters to ensure prompt action can be taken in respect of breaches of control, amenity and safety issues.

Other Decisions and Correspondence

34. The provision to make decisions and deal with correspondence has been amended. As currently worded officers can act where legislation **requires** them to do so. There are numerous occasions where officers have to act but there is no specific legislative requirement to do so. The provision has also been amended to cover handling government and inter-planning authority consultations.

Local Validation Checklist

35. There is now a requirement for Councils to validate new planning applications against a locally adopted checklist. Provision has been added to enable officers to prepare the checklist and amend it when necessary.

Article 4 Directions

36. Directions remove permitted development rights and it could be argued that they are not covered by the enforcement clauses so a specific clause has been added to allow service and confirmation.

Revise Planning Conditions

37. There are occasions where there are delays between a committee decision and the issue of a decision notice (for example while negotiations take place to finalise legal agreements) during which circumstances change. This can result in conditions no longer being required, relevant or worded appropriately. (Other examples would be where there are clear errors/typos in conditions, to reflect changes in circumstances between a meeting and issue of a decision or a need to add to a condition or reword a condition to ensure that it complies with policies and legal guidance.) Any changes will be reported back to a subsequent meeting for Members to note. The scheme has been amended to allow such changes to be made in certain circumstances.

Fees for Planning Advice and Planning Applications

38. In response to changes in legislation the council introduced fees in April for a number of its advice services. Over time these will need to be revised

repeatedly in response to changes in circumstances or legislation.

39. The Government look likely to introduce legislation to allow authorities to set planning application fees (at the moment these are set nationally). The council will have to act quite quickly once the legislation is in place and it is unlikely that the timeframe will allow these to follow a lengthy approval route. As the setting of planning fees is not an executive function, it is suggested that Council be recommended to delegate this function to the Strategic Planning Committee.

Judicial Reviews and Challenges

40. The current scheme refers to instituting judicial reviews but is moot on defending reviews or other challenges. The scheme has been amended to address this issue.

Applications Considered by the Strategic Planning Committee

41. The current Scheme of Delegation contains a provision that the following type(s) of application shall be determined by the Strategic Planning Committee:

Large-scale major developments (defined as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person (Regulation 3 applications);

42. A problem has arisen with the final sentence of this clause which can be read as requiring all of the council's own applications meeting the definition criteria having to go to the Strategic Planning Committee. This was never the intention but it has recently resulted in an application for a large extension to a secondary school, supported by both the parish and local Member going before the committee. Had the clause been worded differently the application could probably have been approved under delegated powers.
43. Officers believe the wording should therefore be changed and simplified as follows:

Large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues;

Conclusion

44. The Scheme of Delegation to Officers and the Planning Code of Good Practice have now been amended to reflect the recommendations flowing from the service review, the views expressed by the Cabinet Member for Neighbourhood & Planning and the Chair and Vice Chairs of the four Planning Committees, the

Focus Group on the Review of the Constitution, a Member group looking specifically at the 21 day rule and Cabinet at its meeting on 19 October 2010.

45. The revised Scheme also includes changes to address practical and operational issues which have come to light since it was drafted in 2009.
46. The changes from all sources are considered to be appropriate and are itemised individually in the recommendation below. The changes have also been incorporated into the revised versions of the Scheme of Delegation and Code of Good Practice which form Appendix 1 and 2.
47. If agreed by Cabinet, and following consultation with the Standards Committee, Council will be asked to approve the recommendations to incorporate the changes into the constitution. (This procedure is required by Article 16.3 of the constitution.)

Recommendations

48. It is recommended that the actions contained under a) and b) below be endorsed by Cabinet.

a) The Scheme of Delegation to Officers specific to Planning (Part 3C)

It is recommended that the following takes place:

1. Amend the Scheme to expand the types of application which can be called in by Members to include Listed Building & Conservation Area Consents and Advertisements.
2. Amend the Scheme to extend the Member 21 day call in period in specific circumstances (as set out in Appendix 1).
3. Simplify guidance on Member call in procedure for planning applications and ensure officers confirm what action they are taking.
4. Retain current practice of Division Member only call in unless the Chairman has discussed the application with Members who may have conflicting views, and then decides to call the application in.

(The Focus Group wanted clarification on what happens when the Chairman is the Division Member and for this to be set out clearly in the Code of Good Practice – it now has been included in para 9.3 of the revised version of the Code, Appendix 2)

5. Amend the Scheme to include the discharge of conditions.
6. Amend the Scheme to clarify what delegated enforcement powers officers have.
7. Where an appeal has been lodged against a planning decision and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the council's case or that there is a substantial risk of costs being awarded against the council, officers be

authorised to inform the appellant and the Planning Inspectorate that the council will not seek to defend such reason(s) at appeal.

(The Focus Group suggested that the matter be brought back to Committee if time permits and if not, the decision should be taken in consultation with the Chairman. This suggestion has now been incorporated into the revised version of the Scheme of Delegation, Appendix 1)

8. Amend the Scheme to cover actions in respect of tree and hedgerow matters.
9. Amend the Scheme to make it clear that officers can deal with decisions, correspondence and consultations covered by legislation and serve Building Preservation Notices.
10. Amend the Scheme to include determining the requirements for and amending when necessary the local validation list for planning applications.
11. Amend the Scheme to cover the making and confirmation of Article 4 Directions.
12. Amend the Scheme to confirm that the Director of the Service has delegated power to make changes to conditions approved at committee provided this is in line with the principles of the committee's decision which would be reported back to Committee for information.
13. Amend the Scheme to make provision for delegated fee setting for advice and subsequent amendments to officers, and recommend to Council that fee setting for applications becomes a function of the Strategic Planning Committee.
14. Amend the Scheme to cover defending judicial reviews and other statutory challenges in consultation with the head of Legal Services:
15. Remove any ambiguity about what constitutes a 'senior officer' (private applications submitted by them will have to go to Committee if objections are received) by defining this in the Scheme as follows:

A 'senior officer' within the Development Service will mean a Team Leader, Area Development Manager or the Service Director. In respect of other council services, a 'senior officer' will mean any Service Director, Corporate Director or the Chief Executive.

*(The Focus Group discussed this proposal and some members considered that if **any** planning officer submitted an application in a private capacity it should automatically be referred to committee. Officers believe that limiting referral to senior officers as originally defined is an appropriate probity safeguard and have not changed the recommendation.)*

16. Revise the Scheme of Delegation to clarify that applications submitted on **behalf** of the council by senior officers will not be treated differently from other applications. (Council applications submitted by senior officers will be treated in exactly the same manner as applications submitted by the public. Objections will not automatically trigger committee consideration.)
17. Amend the Scheme to clarify that similar considerations apply to both the council's own applications and the public's in respect of triggering consideration by the Strategic Planning Committee.

b) The Planning Code of Good Practice

It is recommended that the following takes place:

1. Amend the Planning Code of Good Practice so that it states that Division Members can nominate a substitute to undertake their planning duties, including 'call in' when they have a conflict of interest or are absent due to holidays or illness.

*(The Focus Group wanted this ability to nominate captured in the Scheme of Delegation rather than just in the Code of Good Practice. This has been inserted as part a. of the revised Scheme, **Appendix 1**)*

2. That the order of events at committee meetings be amended to the following: -
 - a) The planning officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
 - b) Committee Members will then ask the officer to clarify any points/ask technical questions.
 - c) Members of the public who wish to make representations opposing the application will then be invited to do so.
 - d) Members of the public/applicant/agent (in this order) who wish to make representations in support of the application will then be invited to do so. Where two members of the public wish to speak in support of an application, only the applicant **or** agent will be allowed to speak, not both. If there is only one member of the public wishing to speak both the applicant and agent can speak.
 - e) Consultees who wish to make representations will be invited to do so.
 - f) The town/city or parish council representative, if present, will then be invited to make representations.
 - g) The division member will be invited to make representations*.
 - h) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.
 - i) The chairman will then normally ask if anyone is prepared to move the officer recommendation or propose an alternative motion. Once a motion has been seconded it will be open to the councillors to debate it

and ask further questions of officers if required and determine the issue. The rules of debate as detailed in Part 4 of the Constitution will apply.

This wording of i) was revised by the Focus Group.

- * Any division member, be they a member of the committee or not is welcome to attend committee meetings and make representations on any application within their division. Councillors who are part of the committee will have voting rights but those who are not can speak, but are not eligible to vote. Division members who are not on the committee may be invited to participate in any debate on an application in their division at the chairman's discretion.
3. Amend the Code to clarify that parish/town/city councils have an individual slot to make representations at committee. Only one representative per council (representing the council's views, rather than their own individual thoughts) will be allowed to speak. Where an application site covers more than one parish, one representative from each of the affected parishes may speak.
 4. Add a section to the Code of Good Practice explaining that in certain circumstances, Members could be expected to act as the council's witness. Alternatively, consultants can be engaged to defend the appeal where a Member is unavailable.

(The Focus Group supported the view that Members who overturn recommendations should be prepared to support that decision if appeals are lodged. This has been picked up in the final paragraph of section 9.7 of the revised Code, Appendix I)

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

Paper and electronic feedback from Members and parish and town councils on the consultation.

Appendices:

1. The Scheme of Delegation to Officers;
2. The Planning Code of Good Practice;

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DEVELOPMENT CONTROL SCHEME OF DELEGATION

The Director of Development (and any officers designated by that officer) is authorized to: -

- determine any planning application and discharge conditions under delegated powers (including tree/hedgerow work applications);
- deal with all enforcement matters (including deciding on the expediency of taking/not taking action and issuing enforcement notices, including listed building enforcement and urgent works notices and taking any further action, including prosecution and direct action in respect of any breach of control);
- deal with all types of appeal and their format;
- where an appeal has been lodged against a planning decision and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the council's case and time constraints prevent the matter being brought back to committee, officers, in consultation with the committee Chairman and Local Division Member are authorised to inform the appellant and the Planning Inspectorate that the council will not seek to defend such reason(s) at appeal;
- make and confirm Tree Preservation Orders; Tree Replacement Notices and serve notices requiring action in relation to dangerous trees, and to initiate any associated direct action required to deal with dangerous trees; deciding whether to prosecute for breaches of the Planning Acts in relation to tree and hedgerow matters;
- determining any applications made under the High Hedges provisions of the anti-social behaviour legislation; including any necessary enforcement action;
- deal with decisions, correspondence and consultations under relevant local government, social, planning, listed building, conservation, building and environmental and other legislation. This includes proposals to change legislation or national guidance and consultation by other planning authorities;
- determine the requirements for, and amend when necessary the local validation list for planning applications;
- make and confirm Article 4 directions restricting or removing permitted development rights;
- nominate officers to represent the council on forums and working parties;
- authorise officers to enter land and buildings in the course of their duties;

- enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act);
- make changes to conditions approved at committee (in the light of changing circumstances between the meeting and the issue of the decision) provided this is in line with the principles of the committee's decision. Any such changes will be reported back to a subsequent committee for member's information;
- set fees for planning advice and applications where legislation allows such fees to be set 'locally';
- set charges for copying, planning history searches, high hedge applications and discretionary fees for Local Land Charges;
- refuse applications following a resolution to grant permission or consent if the required legal agreements are not completed by the applicant within the timeframe set out in the officer's report;
- institute and defend judicial reviews and statutory challenges in consultation with the head of legal services.
- Make and serve Building Preservation Notices.

This is provided that none of the following conditions apply.

Reference to Committee by Wiltshire Council Division Member

Division Members can requests in writing/email that a planning application within **their** Division proceed to determination by way of an area committee. (Any request must be received within 21 days of the circulation of the weekly list of 'applications received' in which it appears, and set out the material planning consideration(s) which warrant the application going before committee). Officers will confirm what action is being taken following receipt of the request.

Where it has not been possible or appropriate to call an application in within this time, officers will accept call in requests in the following circumstances: -

1. An application has not been determined and it can still go to committee and be determined within the target date.
2. The application is already going to go out of time (because of negotiations/amended plans etc.) and taking it to committee will make no difference to performance.

Where neither of the above apply, and the Division Member thinks there is a strong case to delay the determination of the application and take it to committee, they can discuss the case with the relevant Area Development Manager who will then make an informed decision whether or not to exercise delegated powers.

- a. It is perfectly acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including application 'call in', if they have a conflict of interest or during periods of absence such as holidays or illness.
- b. Applications for tree work, prior approvals, Certificates of Lawfulness; notifications and variations/discharge of legal agreements - where the latter would bring them in line with a planning decision already made by the council, will not be eligible for call-in and will be dealt with under delegated powers.
- c. If private applications are made by an elected member or a senior officer of the council or their close relations, where representations objecting to the application have been received, permission can only be given by committee.

The following applications shall be dealt with by the Strategic Planning Committee:

- Large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues.
- Planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;
- Applications, which if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;
- Applications called in by a Division Member that cross the boundary of two area committees;
- Any application that the Director of Development deems raises issues that should be considered by the Strategic Planning Committee.

There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Director of Development

considers it inappropriate to do so, having considered any public representation and consultee responses. In these cases the applications will be determined by an appropriate planning committee.

Definitions

Planning application means any application submitted to the council for determination and included within the Governments' PS1 and PS2 returns. (This is a statistical questionnaire dealing with performance which local authorities have to submit regularly to the government and which divides planning application into distinct categories; householder, minor, major etc.)

'Large scale major development' means any application for 200 or more houses; residential development of 4ha or more or other development of more than 10,000 square metres or more than 2 ha, as defined by the Government in the PS1/2 return.

Householder development and the other descriptions of development referred to above shall have the meaning ascribed to them in the Government's PS1/2 return.

Enforcement notices includes all other formal notices under the Planning Acts used to investigate and remedy alleged breaches of planning control or improve the appearance of an area, including Breach of condition notices and Section 215 notices.

A private application is one which has no connection with a member or officer's council duties. For example, if an officer submitted a Regulation 3 application on behalf of Wiltshire Council it would not be a private application.

A 'senior officer' within the Development Service will mean a Team Leader, Area Development Manager or the Service Director. In respect of other council services, a 'senior officer' will mean any Service Director, Corporate Director or the Chief Executive.

A close relation is defined as spouse, partner, sibling, parent or offspring.

May 2011

Working Together

The Planning Code of Good Practice for Members of Wiltshire Council

1. Why a Code of Good Practice is Required

- 1.1. As a local councillor you will inevitably be involved in planning matters; as a councillor representing your division's constituents; as a councillor responsible for overseeing the planning framework for Wiltshire, or as a councillor responsible for deciding planning applications at an area or strategic planning committee. You will have a crucial role to play in both making the planning system work and ensuring the best possible outcomes for the community, both now and in the future.
- 1.2. The key purpose of planning is to manage development in the public interest. However, concerns are sometimes expressed about the probity of councillors meeting developers, applicants and interest groups and then taking decisions on an impartial basis. The aim of this code of good practice is to ensure that in the planning process in Wiltshire there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. Your role as a member of the council is to make planning decisions openly, impartially, with legally sound judgement and for justifiable reasons. This Code of Good Practice has been prepared to help you in this task.

2. When the Code of Good Practice Applies

- 2.1. This code applies to councillors at all times when involving themselves in the planning process. This includes not just the taking part in the planning committee meetings of the council, but on less formal occasions, such as meetings with officers, the public, parish/town/city councils and pre-application and consultation meetings. It applies equally to planning enforcement matters or site-specific policy issues as it does to planning applications.
- 2.2. If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his/her staff, and preferably well before any meeting takes place.
- 2.3. This code is based upon the 'Model Members Planning Code' adopted by the Association of Council Secretaries and Solicitors in 2003 (updated in 2007). The Model Code was produced following consultation with the Standards for England, the Local Government Ombudsman and the Audit Commission.

3. Relationship to the Members' Code of Conduct

- 3.1. The Members' Code of Conduct must be complied with at all times. This Planning Code of Good Practice seeks to explain and supplement the Members' Code of Conduct for the purposes of planning. It provides helpful guidance for members. However, you are advised that if you do not abide by this Code of Good Practice, you may put the council at risk of proceedings on the legality or maladministration of the related decision and yourself at risk of either being named in a report made to the Standards Committee or council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Committee.
- 3.2. In the event of a conflict between this Planning Code of Good Practice and the Members' Code of Conduct the latter will prevail.

4. Development Proposals and Interests under the Members' Code

- 4.1. It is a fundamental point of principle that those who have a significant interest in the outcome of a planning decision should not take part in the decision making process, for example, Members may wish to make their own planning proposals, such as extending their own property.. Members should disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with officers and other members. Such interests should be declared at the start of the meeting.
- 4.2. Where your interest is personal and prejudicial:
- Notify the Monitoring Officer in writing or by e-mail of your interest, if at all possible no later than the submission of the proposal;
 - Consider employing an agent to act on your behalf in dealing with officers and any public speaking at Committee - at any meeting, you must ensure that you leave the room whilst the meeting considers it;
 - Ask another elected member to represent division views;*
 - Do not participate in the processing of the application or the making of any decision on the matter by the Council;
 - Do not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor.
 - Your proposal will not be dealt with by officers under delegated powers if a valid planning objection to it is received. Where this happens it will be reported to a committee for a decision.
 - At the meeting of the committee you may speak on the application, but only to the extent permitted for members of the public (not as a local member) in accordance with paragraph 9.6 below. You must then leave the room.

5. Fettering Discretion in the Planning Process

* It is perfectly acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including application 'call in', if they have a conflict of interest or during periods of absence such as holidays or illness. In the case of death, the Chairman will nominate a stand in.

- 5.1. The integrity and public support for the planning process relies on members of planning committees making decisions that are open, transparent and above board. To participate in decision-making on planning matters, it is essential that you do not state how you will vote on planning matters prior to formal consideration of them at the meeting of the planning committee where you will have the officer's report and hear the evidence and arguments on both sides.
- 5.2. If you appear to have made your mind up prior to the meeting by publicly supporting or opposing a proposal, or have announced how you will vote, you will have fettered your discretion. Taking part in the decision in these circumstances will put the council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination, or a failure to take into account all of the factors enabling the proposal to be considered on its merits. Where you have fettered your discretion, do not speak and vote on a proposal and consider whether you should withdraw from the council meeting for that item. You should ensure that your decision not to speak and vote on these grounds is recorded in the minutes. However, where you are representing the views of your local electors and have fettered your discretion, you may still speak in your capacity as a local member as long as you do not have a personal and prejudicial interest. In these circumstances, you should ensure that your actions are recorded and you must not vote.
- 5.3. *Where I am a member of a parish, town or city council, can I still attend the parish/town/city council meetings where planning matters are discussed and still be a member of a Wiltshire Council planning committee?*

You can still take part in debates on planning proposals at parish/town/city council meetings, provided that:

- The proposal does not substantially affect the well being or financial standing of the city/town/parish council;
- You must make it clear to them that any views you express are based on the limited information before you only and that you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee;
- You make it clear that you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that parish, as and when it comes before the Committee and you hear all of the relevant information;
- When the development proposal comes up for consideration at a Wiltshire Council Planning Committee, if you intend to speak or vote you should disclose the personal interest regarding your membership or role at the town/city or parish council.

6. Contact with Applicants, Developers and Objectors

6.1. As a community leader and local representative you will want to be involved in relevant public meetings, pre-application discussions and policy production. Councillors can involve themselves in discussions with developers and others about planning matters provided you keep to the following guidelines:

- Where developers organise a public exhibition or display of their proposals, it is acceptable to visit to examine the proposals and ask questions of the developers to ensure that you are fully informed of the nature of the proposals. You may feed in your own and your local community's concerns and issues and engage in discussion. However, be aware that you must have and be seen to have an open mind at the point of decision-making and therefore you should not state how you or other members might vote.
- Pre-application meetings with developers or prospective applicants may be a positive way of engaging the developer to seek to ensure that community needs are met. However, if approached, you should refer any requests for such a meeting to an officer of the Development Service. The officer(s) will then organise the meeting and ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action and that the meeting is properly recorded.
- Refer those who approach you for planning, procedural or technical advice to officers;
- Advise those looking for policy guidance to examine the policies in adopted local plans and the Local Development Framework;
- Avoid meeting developers alone or putting yourself in a position where you appear to favour a person, company or group.

7. Lobbying and Councillors

7.1. Lobbying is recognised as a normal and proper part of the political process. However, it is important for members to protect their impartiality and integrity in planning matters. You will not breach this code of Good Practice by listening to or receiving viewpoints from residents or other interested parties provided that you make it clear that you are keeping an open mind. Expressing an intention to vote one way or another before a meeting of the Council would prejudice your impartiality. Councillor's attention is drawn to the following advice: -

- Avoid accepting gifts or hospitality from any person involved or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure that its acceptance is declared as soon as possible and enter it into the register of interests where its value exceeds £25 (twenty five pounds) in writing within 28 days of accepting such hospitality;
- Pass a copy of any lobbying correspondence that you receive to the relevant Development Control Area Team Manager or the case officer at the earliest opportunity;
- Do not pressurise or lobby officers for a particular recommendation;

- Promptly refer to the Development Control Area Team Manager any offers made to you of planning gain or constraint of development, through a Section 106 Planning Obligation or otherwise;
- Inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) who will in turn advise the appropriate officers to follow the matter up.
- Political Group Meetings should never dictate how Members should vote on a planning issue and members should not excessively lobby fellow councillors regarding concerns or views, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

7.2. Can I remain a member of an amenity society when it makes representations on planning matters?

There are many general interest groups who concentrate on issues beyond particular planning proposals. These include bodies such as the National Trust; CPRE; Wiltshire Archaeology and Natural History Society; Ramblers Association; local civic societies. It is acceptable to be members of these societies, provided that a personal interest is declared when that organisation has made representations on a particular proposal and you make it clear that you have reserved judgement and the independence to make up your own mind on each separate proposal. However, if you become a member of or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals, you will have fettered your discretion and are likely to have a personal and prejudicial interest.

8. The Role of Officers

8.1. Officers and members work together to deliver the outcomes that seek to deliver the right development at the right place at the right time, whilst protecting the built and natural environment. It is therefore essential that there is mutual trust and understanding between officers and members. Officers will advise and assist members in their formulation of planning advice and the determination of applications and will provide:

- Impartial and professional advice;
- Committee reports that include a clear and accurate analysis of the issues in the context of the relevant development plan and other material considerations; the substance of the representations and views of those who have been consulted and a clear recommendation of action.

Officers will process and determine applications in accordance with the council's code of Conduct for Officers and the Royal Town Planning Institute's Code of Professional Conduct.

9. Decision Making

- 9.1. Planning decisions are made within the context of a national, regional and local planning framework and Inspectorate decisions. By law, the council has to make decisions in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 9.2. As a member, you can request that the relevant planning committee considers a planning application in your division and not be dealt with under delegated powers (although there are a few exceptions, such as tree applications, set out in the Scheme of Delegation). To call-in an application, you need to do this in writing, (an electronic proforma is available for electronic submission), and send it to the relevant area team manager or case officer handling the application. Requests must be received within 21 days of the circulation of the weekly list (but there are some exceptions set out in detail in the Scheme of Delegation to Officers – Part 3B of the Constitution). The proforma must record planning reasons why the committee should deal with the application. (It would be helpful if councillors would contact the case officer prior to call-in to discuss the planning issues involved and whether a call-in is necessary.) Following receipt of a request, officers will confirm the action to be taken and keep the member informed when they are ready to make a recommendation.
- 9.3. While there is a strong presumption that the Division Member's views on call in should prevail, if another Member (i.e. one from a neighbouring division which is affected by the development) thinks an application should go to committee and this is contrary to the view of the local Division Member, it will be open to that member to discuss the application with the Chairman of the committee. Having discussed the application and considered the possible impacts the Chairman will then have the ability to ask for the application to proceed to committee for determination. In the rare event that the application is in the Chairman's own division, the adjoining member can discuss the application with the Director of the service.
- 9.4. Councillors should arrive at meeting with an open mind and make a decision only after due consideration of all the information reasonably required to make that decision including any matters reported at the meeting. If you feel that there is insufficient information before you, you should request that further information. If necessary, defer or, if the grounds are adequate, refuse the proposal.
- 9.5. *Site Visits* – Councillors will be expected to be familiar with the site and the issues surrounding the decision when they arrive at a committee meeting. It is acceptable to visit the site and, if necessary, surrounding properties that may be affected by the proposal, as an individual councillor before the meeting, although councillors should not enter onto a site without the consent of the owner. On no account should councillors express a view on the merits of the application to anyone, including the applicant, owner or any third party. With regard to the Strategic Committee, for major and controversial applications arrangements will exceptionally be made for organised site visits where these are considered necessary.

The committee reports and officer presentations should provide ample information for councillors to determine applications. Very exceptionally, councillors at a committee may feel that a site visit is appropriate to assess the implications of the

development. In these cases, reasons for the site visit will be provided and consideration of the application should be deferred pending the visit. (The site visit will be arranged by officers and although the owner's permission will be required, there should be no dialogue with members of the public or applicant/owner during the visit.) The application will then be re-listed on the following agenda.

- 9.6. *Public Speaking at Meetings* - The council has an established procedure in respect of public participation at planning meetings. This should be complied with. In particular, it is not permissible during meetings for members of the public to communicate with councillors debating the proposal either orally or in writing, as this may give the appearance of bias.

Consultees and members of the public who wish to speak at a planning meeting, either in favour of or against an application will be asked to register with Democratic Services. Notification can be given in advance of the meeting, but not before the agenda has been published, by contacting the Democratic Services Officer identified on the agenda. However it should be noted that the Democratic Services Officer must receive registrations in person at least ten minutes prior to the meeting; registration will take place on a first come first served basis and if someone fails to register in person the opportunity to speak will be offered to someone else if appropriate. If a large number of speakers wish to speak on an application, Democratic Services will advise them to coordinate their speakers.

Town/parish/city councils will have an individual four minute representation slot should they wish to speak. Only one representative per council should speak and it is important that the spokesperson expresses the formal views of their council, and not their own individual thoughts. If an application is near the boundary with an adjacent parish, each affected council will have a four minute slot. Any additional time will be at the committee chairman's discretion.

There will be a maximum of three members of the public permitted to speak in objection to an application and three members of the public permitted to speak in support of an application. Where a committee member with a prejudicial interest wants to speak as a member of the public (as they are entitled to do) they will need to secure one of the 'public slots'.

Each speaker will be allotted 3 minutes to address the committee and an audible 30 second warning may sometimes be given before the end of the three minutes.

In the case of particularly controversial or large scale applications the chairman of the committee will have discretion over these timings and will be able to allow more speakers. It is imperative, however, in the interests of natural justice that any increase in time allowance is applied equally between those speaking for and against.

- 9.7. *Decisions Contrary to Officer Recommendation*

There will be occasions when councillors wish to make a decision that conflicts with the planning officer's recommendation. In these circumstances, members proposing, seconding or supporting such a decision must clearly identify and

understand the planning reasons leading to this decision and must give the planning officer an opportunity to explain the implications of it. The reasons for the decision must be given prior to the vote and be recorded. If an application is to be approved, councillors should set out any particular conditions they would like imposed which will be in addition to the 'standard' conditions for that type of development which will be added by officers. An opportunity must be given to the planning officer to comment on conditions suggested by members and if necessary, the application should be deferred to the next available meeting to enable proper consideration to be given to the wording needed to achieve members' objectives or members may delegate to the officers the imposition of suitable conditions.

Reasons for refusal against officer advice must be planning related, clear and convincing. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge or appeal.

Where councillors think they could have concerns about any given recommendation at committee, officers will be happy to discuss the application beforehand to explore the options which may be open to the Members.

In cases where councillors have overturned a recommendation and the applicant lodges an appeal with the Planning Inspectorate which will be dealt with by way of hearing or public inquiry, Members should be prepared to defend that decision. This defence should be made in person or, at the Member's discretion in writing. Where Members attend and give evidence as part of the council's 'official team,' e.g., they are supported by counsel (as opposed to turning up to speak on an individual basis,) a Rule 6 statement will be required which usually has to be submitted nine weeks before the appeal hearing/inquiry. (Members may of course also be called upon to support the council's case on appeal where the decision has been made in line with the officer recommendation.)

10. Training

Planning is a complex area, but one that generates a great deal of interest amongst local residents and is at the heart of much of the activity of the council. Great care needs to be taken over procedural matters and to ensure that consideration of applications takes place in a clear and open manner and that decisions are based on sound planning principles. For these reasons, it is **mandatory** for all elected councillors of Wiltshire Council to have training in planning matters prior to sitting on a planning committee. All elected councillors will be able to attend this training and it will be arranged immediately after each election. For those elected at by-elections, similar training will be made available.

11. The Order of Events at Committee Meetings

Meetings will normally commence at 6 p.m. and the applications will be determined in the order in which they appear in the agenda unless the chairman has valid reasons for changing the order. Officer will try and ensure that applications which are likely to attract large numbers of the public appear early in the agendas. If the order is changed, this will be announced at the start of each meeting. The usual procedure will be:

- a) The planning officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
- b) Committee Members will then ask the officer to clarify any points/ask technical questions.
- c) Members of the public who wish to make representations opposing the application will then be invited to do so. (up to 3 minutes each)
- d) Members of the public/applicant/agent (in this order) who wish to make representations in support of the application will then be invited to do so. Where two members of the public wish to speak in support of an application, only the applicant **or** agent will be allowed to speak, not both. If there is only one member of the public wishing to speak both the applicant and agent can speak.
- e) Consultees who wish to make representations will be invited to do so. (up to 3 minutes each)
- f) The town/city or parish council representative, if present, will then be invited to make representations. (up to 4 minutes each)
- g) The division member will be invited to make representations[†].
- h) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.
- i) The chairman will then normally ask if anyone is prepared to move the officer recommendation or propose an alternative motion. Once a motion has been seconded it will be open to the councillors to debate it and ask further questions of officers if required and determine the issue. The rules of debate as detailed in Part 4 of the Constitution will apply.

[†] Any division member, be they a member of the committee or not is welcome to attend committee meetings and make representations on any application within their division. Councillors who are part of the committee will have voting rights but those who are not can speak, but are not eligible to vote. Division members who are not on the committee may be invited to participate in any debate at the chairman's discretion.

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PROTOCOL 7**MEDIA RELATIONS****1. Introduction**

- 1.1 This protocol will operate along with the Member and Officers' Codes of Conduct, and applies explicitly whenever an individual is acting on behalf of the council.
- 1.2 The provisions of the Local Government Act 1972, the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity 2011 (the Code of Publicity), annexed at Appendix A, govern this protocol. All media and communications work done by the council will comply with these Acts and the Code of Publicity.
- 1.3 The council's approach is based on the key principles set out in the Code, that publicity should:
 - be lawful
 - be cost effective
 - be objective
 - be even-handed
 - be appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity

A key paragraph of the Code is Paragraph 16, "Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy...."

2. Role of the Communications Team

- 2.1 The communications team's key role is to manage and protect the reputation of the council. The team adopts an open and transparent approach to all communication, acknowledging confidentiality and sensitivity. The team provides objective, professional advice to the whole council, including supporting and advising the cabinet and the scrutiny functions. The team is non party political.

Key areas of focus include;

- Communicating and promoting corporate policy and areas of activity in consultation with the leader of the council, cabinet, the chief executive and senior officers. This is likely to include media releases, briefings, publications, events and other communications;

- Communicating and promoting the corporate priorities and the business plan in consultation with the leader of the council, cabinet members, and the corporate leadership team;
- Communicating and promoting agreed service activities in consultation with the leader of the council, cabinet members, and the corporate leadership team;
- Communicate, where appropriate, the role of scrutiny and their recommendations relating to council priorities or services;
- Promote the valuable democratic role of elected members, as appropriate.

3. Political Groups

- 3.1 The communications team will provide information on request to the political groups within the constitution of the council. It will provide professional non-party political advice to members on request within the bounds of the Code of Publicity.
- 3.2 Political groups will be responsible for issuing their own information and party political media releases. Although this is a legitimate part of the democratic process - it is not appropriate to use council resources.
- 3.3 When speaking or issuing information to the media, members should make clear whether they are speaking:
- officially on behalf of Wiltshire Council (if this is the case the communications team should be kept informed and updated);
 - officially on behalf of their particular political group, stating the name of that group; or
 - personally as a local divisional councillor or as a Wiltshire Council councillor, when discussing wider issues.

4. Council Meetings

- 4.7 The communications team will;
- Issue factual information before meetings, as appropriate, in order to highlight key issues and to explaining council policies and services, as agreed by the leader and chief executive;
 - Issue press releases and, if appropriate, photographs to update and inform decisions made at council meetings. These may include quotes from the leader of the council, the appropriate cabinet member, or another member – such as the chair of a meeting (such as area boards) - as agreed by the leader and chief executive;
 - Respond to all media enquiries before and after the meeting, providing an objective, factual explanation of the issues to promote understanding and awareness of council policies and services in consultation with the leader

and chief executive. This will include facilitating interviews and photo opportunities, as appropriate;

- Refer all requests for political comment on council policies and decision to the relevant group leader.

5. Cabinet

5.1 The communications team will:

- Co-ordinate regular cabinet media briefings and other briefings to present papers to the media and give an opportunity for questions and answers, as appropriate;
- Notify group leaders of media briefings and what will be covered;
- Issue media releases pre and post meetings regarding issues for discussion and decisions. These may include quotes from the leader of the council, the appropriate cabinet member, as agreed by the leader and chief executive;
- Respond to any media enquiries either pre or post the meeting - providing factual information. Where council policy is in question, the information will be coordinated in consultation with the appropriate officer and cabinet member in conjunction with the leader;
- Refer all requests for political comments to the appropriate group leader.

6. Scrutiny

6.1 The communications team will support the scrutiny function by:

- Issuing factual information, as appropriate, at the request of the chairman and vice-chairman of a select committee and agreed by both, regarding the focus and outcome of the meeting and reflecting the majority view of the committee;
- Responding to any media enquiries pre or post the meeting by providing a factual explanation of the issue. Where a matter of policy is in question, the team will also consult with the appropriate officer and cabinet member;
- Refer all requests for political comments to the appropriate group leader.

7. General Media Enquiries

- 7.1 (a) The communications team will manage all media enquiries and provide factual, objective information on the policies and decisions of the council in consultation with the leader of the council, the relevant member of the cabinet or other members, as appropriate, or the relevant senior officer.
- (b) Any requests for political comments will be referred to the appropriate group leader.

8. Press Relations

- 8.1 The communications team will adopt a proactive approach, wherever possible, to provide information and explain policy decisions. The appropriate cabinet member, portfolio holder or senior officer may be requested to speak to the media about such decisions.
- 8.2 Occasionally issues come to the notice of the media which involve staff or members and aspects of their private lives or employment contracts. It is not the council's policy to comment upon such issues and, as such, responses will be factual but respectful of the confidentiality of such issues and the individual's rights under data protection legislation.
- 8.3 All press releases will be written and issued by the communications team in conjunction with members and/or the relevant officers. Links to media releases will be emailed to all members and copies of full media releases will be circulated to the relevant members. Contact details of the relevant Cabinet Member/Portfolio Holder will be included on all press releases, along with those of the nominated representative of the Opposition.
- 8.4 Audio and video recording and the taking of photographs are not permitted during any meeting of the Cabinet, Council or their committees without the prior consent of the chairman of the meeting, although these are welcomed in principle where appropriate.

9. Embargoes

- 9.1 Wherever possible the communications team will avoid embargoed information. On the rare occasion where information is embargoed then agreement will be sought from group leaders on how the information is managed and shared with members.
- 9.2 If an embargo is unavoidable, it is proposed that agreement is sought from media representatives ahead of the release of the embargoed information regarding its publication.

10. Contacts and Emergency Out of Hours

- 10.1 The communications mobile number (07747007340) is always available for the media out of hours. The designated media relations officer will determine whether an immediate response is required, contacting the relevant officer(s) or members as necessary.
- 10.2 Wiltshire Council has a key role to play in the Emergency Plan for Wiltshire. Arrangements are in place to ensure effective cooperation with the other agencies involved. A media relations officer from one or more of the agencies will be nominated to deal with media enquiries. During an emergency, clear guidance on the identity of media contacts will be issued to officers and members.

Part 4.3 – Guidance on Amendments to Motions

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph 107 provides:

An amendment to a motion must be relevant to the motion and will either be:

- *to refer the matter to an appropriate body or individual for consideration or reconsideration*
- *to leave out words*
- *to leave out words and insert or add others or*
- *to insert or add words*

as long as the effect of the amendment is not to negate the motion.

2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
 - the overriding principle of fairness in the conduct of the Council's business;
 - the amendment is relevant to the motion;
 - the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
 - The content of the proposed amendment is proportionate to the original motion in nature and extent;
 - The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Councillors are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.

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Wiltshire Council

Council

12 July 2011

Urgent Executive Decisions Taken By Cabinet

Purpose of report

1. To advise Council of a decision taken by Cabinet under the 'Special Urgency' provision.

Background

2. It is a requirement of the Constitution that the Leader prepares a report to Council on the Cabinet decisions taken in the circumstances set out in Part 5, paragraphs 24 (special urgency). The report should include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken (paragraph 27).

Main considerations for the council

Decision Taken – Closure of Grafton Primary School, Marlborough

3. One such decision was made by Cabinet on 14 June 2011 which relates to the closure of Grafton Primary School, Marlborough.
4. Details of the Cabinet Member for Children's Services' (Cllr Lionel Grundy) intention to make a decision to publish statutory proposals to close the school on 31 August were published on the Council's website on 28 March. In accordance with established procedure, a link to the notice was circulated to all Councillors inviting them to comment or make representations by 5 April.
5. Cllr Grundy confirmed the decision to publish statutory proposals to close the school. The notice of the decision made was published on 13 April and came into effect on 22 April with a link to the notice circulated to Councillors via email.
6. During the six week notice period, a part of the statutory process during which interested parties were able to object to the proposed closure, one objection was received on 1 June.
7. Cllr Grundy considered that in view of the objection received, the matter should be determined by the next available Cabinet meeting to allow time to implement the decision should Cabinet confirm the proposal. The proposal had therefore not been included in the published Cabinet Forward Work Plan for the preceding period and not included on the next available Cabinet agenda for the meeting on 14 June.

8. In accordance with Part 5 of the Constitution, the following actions were undertaken:
- The Leader agreed that the matter be considered as urgent business at the Cabinet meeting on 14 June as the matter could not wait until the next scheduled meeting of Cabinet on 26 July.
 - The Chairman of the relevant Scrutiny Select Committee, being in this case, the Children's Services Select Committee, Cllr Carole Soden was informed on 7 June and agreed that the taking of the decision could not reasonably be deferred.
 - A notice of additional key decision not previously included in the published Cabinet Forward Work Plan was published on 8 June.
 - The report was made available as soon as it was finalised and published to the Council's website and a link sent to all Councillors on 8 June.
9. Whilst the matter not having been included in the Cabinet Forward Work Plan or on the agenda for Cabinet reduces the transparency of decision making, I am confident that all those affected have been adequately consulted in this case. As part of the consultation arrangements on the proposal, consultation was undertaken with the school, parents, governors and the local community during February and March. Consultation responses were considered by the Cabinet member for Children's Services and published as part of the delegated decision process referred to in paragraphs 4 and 5 above.

Proposal

That the Council notes the report

Councillor John Thomson
Deputy Leader of the Council (on behalf of the Leader of the Council)

Background papers

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

None



**WILTSHIRE COUNCIL – July 2011
REPORT BY CHRIS HUMPHRIES**

WILTSHIRE POLICE PERFORMANCE

Overall Wiltshire Police have maintained a good performance, comparing figures for 2010/11 with the calendar year 2009/10. Previously, data was available for comparison against Most Similar Base Command Units (MSBCU), however as the force moves towards a single BCU model, data is provided jointly with Swindon. As a result of this change it is no longer possible to provide MSBCU comparison. Comparisons will now, therefore, be made at force level with Most Similar Forces (MSF).

Overall Crime

- The incidence of Overall Crime has fallen by 3% (1,175 crimes) and Wiltshire is currently performing in line with peers and better than the MSF average for overall crime with 57.3 crimes per 1,000 residents.
- The sanctioned detection rate for overall crime has fallen over the last year with 25.5% detected compared to 29.7%. However, if disposal by Local Resolutions¹ were included this would increase the detection rate by 1.8%.

Violent Crime

- The incidence of Violent Crime has fallen by 12% (1,064 crimes).
- The sanctioned detection rate for Violent Crime over the last year was 47.1% compared to 49.6% in 2009/10. The inclusion of Local Resolutions as a method of detection would increase the detection rate by 2.6%. Forces are now able to submit cases resolved by local resolution to the Home Office as a non-sanctioned detection.

Vehicle Crime has increased by 2% (63 crimes) whilst **Domestic Burglary** has reduced by 5% (86 crimes).

	Most Similar Force Position*	Most Similar Force Position 2009/10	Comparison 2010/11 to 2009/10
All Crime	↔	↔	-3% (1175 fewer crimes)
All Detections**	↘	↔	-17% (1938 fewer detections)
Violent Crime	↔	↘	-12% (1064 fewer crimes)
Violent Crime Detections**	↔	↔	-16% (724 fewer detections)
Serious Acquisitive Crime	↔	↑	0% (24 more crimes)
Serious Acquisitive Crime Detections**	↘	↔	-14% (113 fewer detections)
Vehicle Crime	↔	↑	2% (63 more crimes)
Dwelling Burglary	↑	↑	-5% (86 fewer crimes)
Criminal Damage	↔	↘	-15% (1258 fewer crimes)

*Position for full financial year 2010/11

**Includes sanctioned detections only, comparisons to MSF are not currently available for Local Resolution

Key	
Better than Peers	↑
Inline with peers - better than average	↔
Inline with peers - worse than average	↘
Worse than Peers	↓

¹ **Local Resolutions:** Dealing with low level crime and anti-social behaviour by engaging with victims and witnesses.

Wiltshire Police Performance (County and Swindon)

I previously reported that Wiltshire were the top force in the Country with regard to the lowest rate of violent crime per 1,000 population for each three month period between October and February. The Force maintained this position for the final three months of the financial year, recording 2.472 crimes per 1,000 population. This compares to a national average of 3.555 crimes per 1,000 population in the final quarter of the year.

WPA Annual Report on Force Performance 2010/11

At the full Authority meeting in June, Members considered its assessment of the Force's performance for 2010/11 against four of the five Strategic Priorities set for 2010/11:

Strategic Priority	Grading
Tackling Violent Crime	Excellent
Protecting Vulnerable People and Reducing Road Casualties	Good
Tackling Local Crime and Anti-Social Behaviour and Improving Confidence	Good
Tackling Organised Crime and the Supply / Use of Class A Drugs	Good

The fifth Strategic Priority (Creating a Sustainable Policing Model for Wiltshire) continues to be monitored by WPA through the Policing Plan for 2011/12.

The WPA report on the Force's Performance can be found on its website (www.wiltshire-pa.gov.uk).

Appointment of Assistant Chief Constable

Following a recruitment process held in June, Mr Mike Veale has been appointed as Assistant Chief Constable for Wiltshire. Mike transferred to Wiltshire in 2005 from Avon and Somerset and has headed up Wiltshire's Protective Services Department and was the County Divisional Commander following Julian Kirby's transfer to South Wales. Mike's appointment is with immediate effect.

Police Reform and Social Responsibility Bill – Police and Crime Commissioners

Councillors will be aware that this Bill is currently passing through the House of Lords. Since my last report, the House of Lords Committee has voted against directly elected Police and Crime Commissioners and is instead proposing the establishment of a Police Commission, who would then appoint a Police and Crime Commissioner from within its membership.

The House of Lords are due to conclude their consideration of the draft Bill on 20th July 2011, after the House of Commons begin their summer recess. Therefore, it is not likely that Royal Assent will be achieved before the summer break. This is a significant delay to the Government's timetable, although, the Bill could still get through in time for elections in May 2012. A further update will be provided at the September meeting.

Police Authority Meeting Dates

22nd September 2011

3rd November 2011

8th December 2011

9th February 2012

19th April 2012

Chris Humphries, Community Engagement Working Group Chairman

**MINUTES of a MEETING of the WILTSHIRE & SWINDON FIRE AUTHORITY
held at the WILTSHIRE FRS HQ, MANOR HOUSE, POTTERNE, DEVIZES
on WEDNESDAY 25 MAY 2011**

Present : Cllr P Davis, Cllr C Devine, Cllr Mrs M Groom,
Cllr Brigadier R Hall, Cllr H Marshall, Cllr C Newbury,
Cllr J Osborn, Cllr G Payne, Cllr D Wren, Cllr R Wright

27 Membership

The Clerk reported that the constituent authorities had appointed the following to be members of the Authority for the ensuing year :

Swindon Borough Council :

Cllr N Martin, Cllr G Perkins, Cllr D Wren, Cllr R Wright

Wiltshire Council :

Cllr P Davis, Cllr C Devine, Cllr Mrs M Groom, Cllr Brigadier R Hall,
Cllr H Marshall, Cllr C Newbury, Cllr J Osborn, Cllr G Payne, Cllr Mrs B Wayman

28 Apologies

Apologies for absence were received from Cllr.N Martin, Cllr G Perkins and Cllr Mrs B Wayman

29 Election of Chairman

This item was conducted by the Clerk, Cllr Brigadier R Hall having relinquished the chair prior to the meeting. Members agreed to suspend Standing Order 5.2 for this item of business to avoid the need for a secret ballot for the election of Chairman.

Cllr Brigadier R Hall was elected Chairman for the ensuing year and took the chair for the remainder of the meeting.

30 Election of Vice Chairman

Members agreed to suspend Standing Order 5.2 for this item of business to avoid the need for a secret ballot for the election of Vice Chairman.

Cllr D Wren was elected Vice Chairman for the ensuing year.

31 Minutes of Last Meeting

The minutes of the meetings held on 17 and 21 February 2011 were confirmed and signed.

32 Members' Interests

Cllrs Wren and Marshall each declared a personal interest in the business discussed under Minute No. 43 by reason of their positions as Director and Alternate Director respectively of South West Fire Control Ltd. The Clerk to the Authority also declared an interest in the same item of business because of his position as Company Secretary of the Company.

33 **Chairman's Announcements**

The Chairman welcomed the re-appointed members of the Authority and in particular the two new Members of the Fire Authority appointed by Swindon Borough Council, Cllrs Perkins and Wright.

The Chairman also went on to pay tribute to the considerable contributions made by the retiring Swindon Members, Cllrs Bawden and Montaut.

The Chairman reminded members that this was the first meeting for Simon Routh-Jones in his temporary role as Chief Fire Officer.

The Chairman advised Members of a series of meetings he had attended as Chairman and the themes he felt were emerging in respect of the Government's new Localism agenda and how this might affect the Fire and Rescue Service. He also reported on approaches made by other Fire & Rescue Services in terms of exploring resilience for control rooms. The Chief Fire Officer assisted members on background to discussions about resilience and initial investigations being undertaken with other Services both adjacent and in other regions.

The Chairman reported that he had represented Members at the funeral of Retained Fire-fighter Mills and also advised members of the very recent death of a member of corporate staff, Mike Matthews.

The Chairman drew attention to a letter received from Avon FRS inviting a member to attend a helicopter trial. Cllr Marshall agreed to represent Wiltshire FRS.

34 **Strategic Transformation Programme**

On considering a paper by the Chief Fire Officer,

Resolved:

- a) *To note the paper.*
- b) *To note the changes to the Senior Management structure.*
- c) *To welcome regular updates to Members during the delivery of the Programme.*
- d) *To recognise the importance of regular consultations with staff.*
- e) *To ask the Chief Fire Officer to provide members with a timeline for the various projects within the Programme, especially in respect of the pilots to be run in 2012.*
- f) *To acknowledge the importance to service delivery of the recruitment and retention of retained firefighters.*
- g) *To acknowledge that whilst finance is a prime reason for the Programme, improvements in service to, and increased involvement with, the local community are of vital importance.*

35 **Programme & Scrutiny Board**

A report of the meetings of the Board held on 1 and 21 April 2011 was received. It was noted that the Board had considered the recent change in the maximum car mileage rate deemed by the tax authorities to be non-taxable and had not recommended the Authority to amend the approved rate in the Authority's scheme of members' allowances.

36 Co-responding

On considering a paper by the Chief Fire Officer,

Resolved:

- a) *To continue to support the co-responding scheme.*
- b) *To support the review of the Memorandum of Understanding with the ambulance service, including the financial contribution made by the latter..*
- c) *To note officers' intention to make further enquiries, including a risk assessment, before a decision whether or not to provide Hep B vaccinations to co-responders is made.*
- d) *To note that the risk assessment referred to in (c) above will be extended to include the risks to firefighters when attending road traffic collisions.*
- d) *To ensure all co-responders are supported in their continued participation in the scheme.*

37 Finance Review & Audit Committee

The minutes of the meeting of the Finance Review & Audit Committee held on 23 March 2010 were received.

38 Protection, Prevention and Intervention

A short visual presentation was made.

39 Standards Committee

The minutes of the meeting of the Committee held on 17 March 2011 were received.

Resolved:

- a) *To note the Committee's intention to bring forward, for consideration by the Authority, proposals as to what might replace the current standards regime for members after its abolition.*
- b) *To request that prior consultation with members of the Authority take place other than through a workshop.*
- c) *To note that the Authority has given functions to the Committee over and above those statutory duties relating to members' conduct which will need to be taken into account when the Committee's future is being considered.*

40 Appointments Panel

The minutes of the meeting of the Appointments Panel held on 3 March 2011 were received.

41 Membership of Committees and Representations on Other Bodies, etc.

On considering a paper by the Clerk,

Resolved :

To approve the nomination of members to the positions, and the appointment of members to the committees and other bodies, as set out in the table appended to these minutes for the ensuing year, i.e. until the annual meeting of the Authority in 2012.

42 Dates of Meetings 2012

Members agreed the following dates for meetings of the Authority in 2012: 15 February, 30 May, 20 September and 13 December.

43 South West Fire Control Limited

Summaries of the discussion and decisions at meetings of the Board of Directors of South West Fire Control Limited held on 4 March and 27 April 2011 were received. It was noted that the Company's financial affairs were in the process of being settled following which the directors intended to apply to Companies House for the Company to be dissolved. Until the Company was dissolved (which was anticipated to be in Spring 2012), directors continued to hold office.

(Duration of meeting 10.30 a.m. to 12.40 p.m.)

WILTSHIRE AND SWINDON FIRE AUTHORITY
MEMBERSHIP OF COMMITTEES AND REPRESENTATIVES ON OUTSIDE BODIES
2 011 / 12

Committee/body	No of places	Allocation of places where rules on political proportionality apply	Member(s) or representatives 2010/11	Deputies where permitted 2010/11
Finance Review & Audit Committee	5	Conservatives – 3 Liberal Democrat – 1 Other -1	Councillor G Perkins Councillor C Devine Councillor N Martin Councillor J Osborn Councillor R Wright	n/a
Urgency Committee	5	Conservatives – 3 Liberal Democrat – 1 Other -1	Councillor Brigadier R Hall Councillor D Wren Councillor P Davis Councillor H R Marshall Councillor C Newbury	n/a
Standards Committee (Chairman : Mr D Barker)	3 + 3 lay	n/a	Councillor Mrs B Wayman Councillor H R Marshall Councillor C Newbury Mr D Barker) Mr R McMillan)lay members Mr D Inright)	n/a
Staffing Committee	3	n/a	Councillor P Davis Councillor J Osborn Councillor D Wren	n/a
Programme & Scrutiny Board	3	n/a	Councillor Brigadier R Hall Councillor D Wren Councillor J Osborn	n/a

LGA General Assembly	4	n/a	Councillor Brigadier R Hall Councillor D Wren Councillor H R Marshall Councillor C Newbury	None
LGA Fire Forum	1	n/a	Councillor Brigadier R Hall	Councillor D Wren
Rural Commission	1	n/a	Councillor Mrs B Wayman Councillor Mrs M Groom	None
South West Councils	1	n/a	Councillor Brigadier R Hall	Councillor D Wren
South West Provincial Council	1	n/a	Councillor D Wren	
Wiltshire Assembly	1	n/a	Councillor H R Marshall	Councillor G Payne
Wiltshire Public Service Board	1	n/a	Councillor Brigadier R Hall	Councillor D Wren
South West Fire Control Limited	1	n/a	Councillor D Wren	

**Pool of members
for Appeal Committee**

Cllr G Perkins
Cllr P Davis
Cllr H R Marshall
Cllr C Newbury
Cllr G Payne
Cllr R Wright

Programme & Scrutiny Board Workstreams

<u>Workstream</u>	<u>Lead</u>	<u>Deputy Lead(s)</u>
HR, Training & Development	Cllr P Davis	Cllr Mrs B Wayman
Service Delivery	Cllr H R Marshall	Cllr G Payne
Finance & Resources	Cllr C Devine	Cllr N Martin
Performance & Risk	Cllr R Wright	Cllr J Osborn

Member Champions
Equality & Diversity
Climate Change/Carbon
Data

Cllr P Davis
Cllr Mrs M Groom
Cllr J Osborn

02.6.11

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