

SUMMONS

Council Meeting

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

Date: **29 July 2014**

Time: **10.45 am**

Place: **Council Chamber - County Hall, Trowbridge BA14 8JN**

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

To receive any apologies for the meeting.

2 Minutes of Previous Meeting (Pages 1 - 40)

To approve as a correct record and sign the minutes of the annual council meeting held on 13 May 2014.

3 Declarations of Interest

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

4 Announcements by the Chairman

5 **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 Corporate Director) **no later than 5pm on Tuesday 22 July 2014**. 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.

6 **Petitions**

6a) **Petitions Received**

No petitions have been received for presentation to this meeting.

6b) **Petitions Update** (*Pages 41 - 44*)

Report of the Democratic Governance Manager.

COUNCILLORS' MOTIONS

7 **Notices of Motion** (*Pages 45 - 48*)

For Council's ease of reference the rules on how motions on notice are dealt with at Council and guidance on amendments to motions taken from Part 4 of the Council's constitution are attached.

To consider the following notices of motions:

7a) **No. 9 - Car Parking Ticket Machines - Councillors Terry Chivers and Jeff Osborn** (*Pages 49 - 50*)

7b) **No. 10 - One Card for Transport in Wiltshire - Councillors Magnus MacDonald and Gordon King** (*Pages 51 - 52*)

7c) **No. 11 - Fire Authority Merger - Councillors Jeff Osborn and Terry Chivers** (*Pages 53 - 54*)

7d) **No. 12 - Youth Service - Councillors Jon Hubbard and Trevor Carbin** (*Pages 55 - 56*)

- 7e) **No. 13 - Improvements to Junction 16 - Councillors Mollie Groom and Ricky Rogers** (*Pages 57 - 58*)

CONSTITUTIONAL ARRANGEMENTS

- 8 **Constitutional Changes Recommended by the Standards Committee** (*Pages 59 - 148*)

Report the Associate Director Legal and Governance and Monitoring Officer on the review of Part 3 (Responsibility for Functions and Schemes of Delegation) and the recommendation of the Standards Committee.

OTHER ITEMS OF BUSINESS

- 9 **Annual Report on Treasury Management 2013/14** (*Pages 149 - 164*)

Report by the Associate Director, Finance, Revenues, Benefits and Pensions

- 10 **Adoption of Legislation and Byelaws in Relation to Cosmetic Piercing and Skin Colouring** (*Pages 165 - 176*)

Report by Maggie Rae, Corporate Director.

- 11 **Review of Proportionality and Allocation of Seats on Committees to Political Groups** (*Pages 177 - 182*)

Report by the Associate Director, Corporate Functions and Procurement

- 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 approved by Council under the above item.

MINUTES OF CABINET AND COMMITTEES

- 13 **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 and the Fire Authority as listed in the Minutes Book.
- b. The Chairman will invite the Leader, Cabinet members and Chairmen of Committees to make any important announcements.
- c. Councillors will be given the opportunity to raise questions on points of information or clarification on the minutes presented.
- d. Councillors will be given an opportunity to raise any questions on the minutes of the Wiltshire and Swindon Fire Authority – please submit any questions to Yamina Rhouati by 21 July 2014.

- e. Councillors will be given an opportunity to raise general issues relating to Area Boards but not specific local issues.

COUNCILLORS' QUESTIONS

14 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 Corporate Director) not later than 5pm on Tuesday 22 July 2014. 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.

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
Corporate Director
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

COUNCIL

DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 13 MAY 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Pat Aves, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Liz Bryant, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Christine Crisp (Chairman), Cllr Brian Dalton, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Stewart Dobson, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Richard Gamble, Cllr Jose Green, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Bob Jones MBE, Cllr Simon Killane, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Magnus Macdonald, Cllr Alan MacRae, Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Christopher Newbury, Cllr John Noeken, Cllr Paul Oatway, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Linda Packard, Cllr Mark Packard, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, Cllr Horace Prickett, Cllr Leo Randall, Cllr Fleur de Rhé-Philipe, Cllr Pip Ridout, Cllr Ricky Rogers, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr James Sheppard, Cllr John Smale, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Thorn, Cllr Ian Tomes, Cllr Dick Tonge, Anthony Trotman, Cllr John Walsh, Cllr Nick Watts, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Christopher Williams and Cllr Graham Wright

28 Election of Chairman 2014/15

The Chairman, Councillor Christine Crisp called for nominations for the position of Chairman of Council for 2014/15.

Councillor Roy While was proposed by Councillor Alan Hill and seconded by the Chairman. Councillor Ian West was proposed by Councillor Mark Packard and seconded by Councillor Graham Wright.

There being no further nominations and on being put to the vote, it was

Resolved:

That Councillor Roy While be elected Chairman of Wiltshire Council for the municipal year 2014/15.

The Chairman read out and signed the declaration of acceptance of office of Chairman of the Council witnessed by the Monitoring Officer.

Councillor Roy While in the Chair

Councillor Christine Crisp reflected on her time in office as Chairman of the Council highlighting key events she had attended on the Council's behalf and chairing meetings of the Council. She commented that it had been a privilege to represent the Council in such a distinguished manner and she wished the newly elected Chairman all the very best.

Group leaders thanked Councillor Crisp for her services as Chairman of the Council and her services to local government generally. The Leader expressed her gratitude to Councillor Crisp for having been a great ambassador for the Council.

29 Election of Vice-Chairman 2014/15

The Chairman called for nominations for the position of Vice-Chairman of Council for 2014/15.

Councillor Richard Britton was proposed by Councillor Bridget Wayman and seconded by Councillor Julian Johnson.

There being no further nominations and on being put to the vote, it was

Resolved:

That Councillor Richard Britton be elected Vice-Chairman of Wiltshire Council for the municipal year 2014/15.

The Vice-Chairman read out and signed the declaration of acceptance of office of Vice-Chairman of the Council witnessed by the Monitoring Officer.

30 Apologies

Apologies for absence were received from Councillors Bill Moss, Chris Hurst, Nick Fogg, Howard Greenman and Helena McKeown.

31 Declarations of Interest

No declarations of interest were made.

32 Minutes of Previous Meeting

The minutes of the last meeting held on 25 February 2014 were presented.

Resolved:

That the minutes of the last Council meeting held on 25 February 2014 be approved as a correct record and signed by the Chairman subject to an amendment at minute no. 21 (c) – Council Tax Resolution with the inclusion of Councillor Josie Green’s name as those voting in favour of the motion.

33 Announcements by the Chairman

(a) Royal Visits

The Chairman reported that the County had been fortunate to have had two Royal visits in recent months.

In April, Her Royal Highness The Princess Royal visited Coombe Castle Creamery in Melksham to formally open their new premises and to present them with the Queen’s Award for Enterprise for International Trade. She then went on to Devizes where she presented the Kennet & Avon Canal Trust with the Queen’s Award for Voluntary Service, visited the Wiltshire Museum to formally open their new galleries, and then attended a Save the Children Reception for volunteers in the Town Hall.

In early May, Their Royal Highnesses The Earl & Countess of Wessex made a full day visit to Wiltshire. Their visit began at the new Visitor Centre at Stonehenge and the Stones before attending the rededication of Airman’s Cross, now relocated at the top of the path to the Visitor Centre. They then journeyed to Salisbury to open the new Wessex Gallery in Salisbury Museum and visit St. Thomas Church in the City centre. His Royal Highness then attended to a Duke of Edinburgh Award event held at St. Edmund’s Girls’ School in Laverstock where he present badges to Gold Award winners; whilst Her Royal Highness visited the Wiltshire South Guide Centre in Berwick St. James in her capacity as President of Girl guiding. The day ended at the Royal Wessex Yeomanry where a Reception was held with employers and reservists followed by a dinner with representatives from both the Royal Wessex Yeomanry and the Wiltshire Yeomanry.

All the organisations involved were delighted to be able to welcome the Royal visitors to their events and it was good to be able to welcome them to Wiltshire.

(b) Cycle Event May Bank Holiday

Cycle Wiltshire proved to be a big success on 3rd and 4th May with more than 500 people taking part in a sportive cycle ride from Five Rivers Leisure Centre. lots of people also took part in the many activities that were available at the Cycle Wiltshire Village with many commenting on the special atmosphere.

The following day saw an elite cycle race start and finish in Wilton with more than 120 riders competing and a big congregation of people in the Market Square to cheer them on. Cycle Wiltshire was part of Wiltshire Council's a legacy for Wiltshire Partnership.

(c) The Care Bill – Members' Briefing 10 June

The Care Bill (soon to be an act) had been described as one of the most important pieces of legislation since the establishment of the NHS in 1948. It would radically extend the Council's responsibilities and bring our social care staff in contact with a much larger proportion of the local population. As such it would have a clear impact on the Council's long term financial and workforce planning.

Given its significance, the Chairman invited all Councillors to attend a briefing on the Bill, in the Council Chamber, at 3pm on the 10 June. The briefing would finish by 5pm and allow opportunities for questions and interactive discussions on the implications for Wiltshire. The Chairman urged Councillors to attend.

34 Public Participation

The Chairman reported that Mr Bernard Aslett had registered to address the meeting. Mr Aslett spoke to draw Council's attention to his concerns over the state of the highways in various parts of the County. Councillor John Thomson, Cabinet member with responsibility for Highways responded to Mr Aslett's concerns.

35 Petitions

A report by the Democratic Governance Manager was presented which gave Council details of the six petitions received for the period since the last report to Council.

Resolved:

That Council note the report, the petitions received and the actions being taken in relation to them, as set out in the Appendix to the report.

36 Notices of Motion: Recognition of Trade Union Rights - Councillors Jeff Osborn and Terry Chivers

The Chairman reported receipt of the above mentioned motion from Councillors Jeff Osborn and Terry Chivers.

Accordingly, Councillor Jeff Osborn moved the following motion which was duly seconded by Cllr Terry Chivers:

“In the tendering of any future contracts for services provided by this Council, a clear condition should be made that the Council will only enter into a contract with organisations that make a clear and public commitment that they fully recognise trade union rights for their employees and that they will continue to do so.”

To assist Council in its consideration of the motion, a report was circulated via the Agenda Supplement for the meeting which provided legal advice on the implications of adopting such a motion. Council was therefore asked to consider the motion in light of this legal advice.

For Council’s ease of reference the rules on how a motion is dealt with at Council, taken from Part 4 of the Council’s constitution was presented.

Councillor Jeff Osborn presented his motion and in so doing requested that the motion be deferred to the next meeting to allow for thorough consideration of the legal advice presented.

Councillor Stuart Wheeler, Cabinet member explained that time had been taken to formulate the legal advice to enable Council to properly consider the motion. He further explained that what the motion was seeking was effectively illegal and as such could not see that anything would be gained by deferring it. Councillor Wheeler emphasised advice in the report which stated that in terms of any future contracts, it would not be possible within the current statutory framework to use as evaluation criteria a public commitment to recognise Trade Unions for collective bargaining purposes. Such a proposal could also deter smaller companies from tendering and therefore discriminating against them.

Having been moved by the Chairman and seconded and being put to the vote, it was

Resolved:

That the motion be debated.

The Chairman invited Group Leaders to speak on the motion before opening the debate to other members. A discussion ensued during which a number of members spoke in favour and against the motion.

Councillor Gordon King moved the following amendment which was duly seconded by Councillor Jon Hubbard:

‘That the motion be referred to the Staffing Policy Committee to consider the legal implications of the terms of the motion and to ensure maximum protection to employees wherever possible.’

On being put to the vote, the above amendment was CARRIED and it was

Resolved:

That the motion be referred to the Staffing Policy Committee to consider the legal implications of the terms of the motion and to ensure maximum protection to employees wherever possible.

(note: the motion was considered by the Staffing Policy Committee at its meeting on 9 July 2014 – link to meeting

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=140&MId=8032&Ver=4>
Item 39 refers)

37 Review of Allocation of Seats on Committees to Political Groups and Appointment of Committees

37a) Appointment of Committees and Review of Allocation of Seats on Committees to Political Groups

37b) Appointment of Councillors to Committees

37c) Appointment of Chairmen and Vice-Chairman of Committees

38 Appointment to the Wiltshire and Swindon Fire Authority

The Chairman referred Council to the various items on the agenda on appointments – numbered 10 (a), (b) and (c), and 11, reports on which were presented. He explained that unless anyone had any comments to make on the individual items, he intended to take them together. The Chairman noted that Group Leaders had been consulted on the principles of what was being proposed.

In relation to item 10 (a) – Appointment of Committees, the Chairman reminded Councillors on the Pewsey and Tidworth Area Committee that they had been convened to meet on the rising of this meeting in order to elect its chairman and vice-chairman and establish the Pewsey Area Board and Tidworth Area Board. It was noted that all Area Boards would be asked to elect their respective chairmen and vice-chairmen at their first meeting in accordance with the arrangements set out in the constitution.

The Leader moved a composite motion in respect of the appointments to be made as tabled at the meeting and this was duly seconded. The Leader drew attention to a proposed change to the membership of the Health and Wellbeing Board whereby the opposition group member would now become a voting member taking one of the 4 voting places. This was welcomed by Councillor Jon Hubbard, opposition Group Leader.

For the avoidance of doubt, the list of membership of committees was displayed on screen and each Group Leader confirmed its accuracy for their respective group.

On being put to the vote, the Leader's motion was CARRIED and it was;

Resolved:

- (a) To note this report and the legal requirements.**
- (b) To re-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
Overview and Scrutiny Management
Children's Select
Health Select
Environment Select
Audit
Appeals
Staffing Policy
Officer Appointments
Pension Fund
Police and Crime Panel**

- (c) To reappoint the Health and Wellbeing Board with the terms of reference and membership as set out in the Constitution subject to the opposition member (Cllr Ian Thorn) now being given voting rights.**
- (d) To appoint those Area Boards, constituted as area committees as set out within the Constitution and to appoint those members representing electoral divisions to their respective area boards as set out in Appendix 1.**
- (e) To approve the aggregate number of committee places available to members of the Council being 174 and the number on each committee as follows:-**

Committee	Total Number of Places for Elected Members	Conservative Group Allocation (59 seats)	Liberal Democrat Group Allocation (24 seats)	Labour Group Allocation (4 seats)	Independent Group Allocation (10 seats)	UKIP (1 seat)
Strategic Planning	11	7	3	-	1	-
Area Planning Committees						
North	11	7	3	-	1	-
South	11	6	2	2	1	-
East	8	7	-	-	1	-
West	11	7	2	-	2	-
Licensing	12	7	3	-	2	-
Overview and Scrutiny Management	15	8	4	1	2	-
Children's Select	13	8	3	1	1	-
Environment Select	13	7	4	1	1	-
Health Select	13	7	3	1	2	-
Standards	11	7	3	-	1	-
Police and Crime Panel	7	4	2	-	1	-
Audit	11	6		-	1	1
Appeals	8	5	2	1	-	-
Staffing Policy	9	5	3	-	-	1
Officer Appointments	5	3	1	-	1	-
Pension Fund	5	4	1	-	-	-
TOTALS:	174	105	42	7	18	2

(f) To approve the nominations of Group Leaders, as set out in 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.

- (g) To reappoint the following co-opted non-voting members to the Standards Committee:

Mr John Scragg
Miss Pam Turner
Mr Paul Neale
Mr Philip Gill MBE, JP

- (h) To appoint the following non-elected members to the Children's Select Committee:-

<u>Non-Elected Voting Members</u>	<u>Representing</u>
Mrs L Swainston	Church of England
Dr M Thompson	Clifton Diocese Roman Catholic Church
Vacancy	Parent Governor (Secondary-maintained)
Vacancy	Parent Governor (Secondary – academy)
Mrs A Kemp	Parent Governor (Special Educational Needs)
Mr K Brough	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
Miss S Busby	Secondary Schools Headteacher Representative
Miss T Cornelius	Primary School Headteachers Representative
Mr J Hawkins	School Teacher Representative
Mr K House	Children & Young People's Representative

(i) To appoint the following Chairmen and Vice-Chairmen:-

<u>Committee</u>	<u>Chairman</u>	<u>Vice Chairman</u>
Strategic Planning Committee	A Davis	A Trotman
Area Planning Committee – Eastern	C Howard	M Connolly
Area Planning Committee – Northern	T Trotman	P Hutton
Area Planning Committee – Southern	F Westmoreland	C Devine
Area Planning Committee – Western	C Newbury	J Knight
Licensing Committee	P Ridout	D Allen
Standards Committee	J Johnson	J Noeken
Audit Committee	A Deane	R Britton
Staffing Policy Committee	A Bucknell	J Smale
Officer Appointments Committee	J Scott	JThomson
Pension Fund Committee	T Deane	C Howard
Health and Wellbeing Board	J Scott	delegated to the Board

(j) To note that the Overview and Scrutiny Management Committee, the Select Committees and the Police and Crime Panel will be asked to elect their respective Chairmen and Vice-Chairmen at their first meeting following the annual meeting of council.

(k) To appoint the following councillors to serve on the Wiltshire and Swindon Fire Authority for 2014/15

Conservative (6)	Liberal Democrat (2)	Independent (1)
C Devine	H Marshall	E Clark
G Payne	B Jones	
M Groom		
C Newbury		
B Wayman		
J Knight		

39 Constitutional Changes Recommended by the Standards Committee

It was noted that a briefing session for members was held on 6 May 2014 to go through the detail of the proposed changes to the constitution as recommended by the Standards Committee.

Cllr Julian Johnson, Chairman of the Standards Committee presented a report which detailed the proposed changes together with the necessary documents from the constitution with tracked changes for ease of reference. Cllr Johnson moved the proposed changes and this was duly seconded.

The changes proposed were in respect of the following areas of the constitution:

- Part 4 – in relation to Petitions
- Part 9 – Financial Regulations and Procedure Rules
- Part 12A – in relation to the Safeguarding Children and Young People Panel

Councillor Johnson drew Council's attention to the updated details of the document relating to the Safeguarding Children and Young People Panel circulated in Agenda Supplement No. 1.

Resolved:

- (a) To approve changes to Part 4 of the constitution in relation to petitions and Part 4A, the Petition Scheme, as shown in the tracked change documents at Appendix 3 of the report presented subject to the following amendment concerning the eligibility criteria to sign a petition:**

Those eligible to sign a petition to include those from the age of 13 upwards who live, work or study in Wiltshire for petitions to full Council and those who live in the appropriate community area for petitions to the area board.

- (b) To approve changes to Part 9 of the constitution as shown in the tracked change document at Appendix 5 of the report presented.**
- (c) To approve changes to Part 12A of the constitution to include details of the Safeguarding Children and Young People Panel of the as shown in the tracked change documents as circulated in Agenda Supplement No. 1.**

40 Annual Report on Executive Decisions Taken Under Special Urgency

Council received an annual report as required by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 concerning decisions taken by Cabinet under the Special Urgency procedure. The report related to the period since the last such report to Council in November 2013.

The Leader confirmed that no decisions had been taken by Cabinet using the Special Urgency procedure during this period.

Resolved:

Council to note the report presented and that no decisions had been taken under the special urgency provisions since the last report to Council.

41 Annual Report of Overview and Scrutiny Management Committee 2013/14

Councillor Simon Killane, Chairman of the Overview and Scrutiny Management Committee presented the Overview and Scrutiny Annual Report for 2013/14 which had been previously circulated electronically to all Councillors. Cllr Killane highlighted the work carried out during the year and particularly the development that had taken place in response to the Peer Challenge Review Report. He pointed out that the overview and scrutiny work programme was better aligned to the key actions in the Council's Business Plan following consultation with Cabinet members and partners. He was confident that the Management Committee was increasing its influence over how overview and scrutiny was perceived particularly by focusing on supporting policy development through the use of task groups.

Cllr Killane then gave the opportunity to the chairmen of the select committees to comment on relevant key activities during the year for their respective committees.

Health Select Committee – Councillor Christine Crisp referred to the new NHS structures and the work being done in partnership to hold providers to public account. She referred to the enormous amount of working being undertaken by the Committee and wide ranging subjects covered by task groups.

Children's Select Committee - Councillor Jon Hubbard had had a very effective year with its work on safeguarding being nationally recognised. He thanked committee members in particular the vice chairman, Councillor Jacqui Lay and those involved in task groups. Councillor Hubbard paid tribute to the excellent support provided by Henry Powell, Senior Scrutiny Officer.

Environment Select Committee – Councillor Alan Hill referred to the challenges in major areas such as highways and waste and thanked all those members involved for their hard work.

In conclusion Councillor Killane thanked those councillors and offices who had engaged and supported overview and scrutiny during a year of transition.

Resolved:

To receive and note the Annual Report of Overview and Scrutiny for 2013/14.

42 **Annual Report of the Corporate Parenting Panel 2013/14**

Councillor Laura Mayes introduced this item.

The role of the Corporate Parenting Panel was to secure Councillor involvement and commitment throughout the Council to deliver better outcomes for children and young people who were looked after. All Councillors were reminded of their responsibilities as a “corporate parent” for children and young people who were looked after in Wiltshire.

Councillor Alan Macrae, Portfolio Holder for Safeguarding presented and guided Council through the Annual Report on the Corporate Parenting Panel. A slide show was presented which showcased initiatives and activities held in support of looked after children.

A presentation was made by Miss Tara Hall, a care leaver who read a very inspiring speech she had previously given at a national conference in October 2013. The speech captured her own personal experience of her education prior to and on becoming looked after by Wiltshire Council. The speech was very well received by members prompting a standing ovation.

Resolved:

To receive and note the Annual Report of the Corporate Parenting Panel and ratify the improvements required to strengthen Corporate Parenting in Wiltshire.

43 **Minutes of Cabinet and Committees**

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

Cabinet	18 March , 22 April 2014
Cabinet Capital Assets Committee	18 March 2014
Cabinet Transformation Committee	18 March 2014
Overview and Scrutiny Management Committee	4 March, 29 April 2014
Children's Select Committee	25 March 2014
Health Select Committee	11 March 2014
Environment Select Committee	18 February, 15 April 2014
Licensing Committee	17 March 2014
Northern Area Planning Committee	12 March, 2 April, 23 April 2014
Eastern Area Planning Committee	20 February, 3 April 2014
Southern Area Planning Committee	20 March, 10 April 2014
Western Area Planning Committee	5 February, 19 March, 9 April 2014
Strategic Planning Committee	12 February, 12 March 2014

Standards Committee	25 April 2014
Audit Committee	11 March 2014
Officer Appointments Committee	4/5/13 March 2014
Staffing Policy Committee	5 March 2014
Wiltshire Health and Wellbeing Board	6 February 2014
Wiltshire Pension Fund Committee	6 March 2014
Wiltshire Police and Crime Panel	6 March 2014
Wiltshire and Swindon Fire Authority	13 February 2014

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

Resolved:

That the above mentioned minutes be received and noted.

44 Dates of Council meetings 2014/15

On report by the Chairman, it was

Resolved:

To approve the Council meetings for the remainder of 2014/15 as follows:

2014

29 July

21 October

2015

3 February (if required)

24 February (budget meeting)

12 May (Annual Council)

45 Councillors' Questions

The Chairman reported receipt of questions from Councillors Terry Chivers, Jeff Osborn, Graham Payne and George Jeans, details of which were circulated in

Agenda Supplement No. 1 together with responses from the relevant Cabinet member. Details of questions and responses are attached as Appendix 3.

Questioners were permitted to each ask one relevant supplementary question per question submitted and where they did so, the relevant Cabinet member responded.

Appendices

Appendix 1 – membership of Area Boards

Appendix 2 – membership of Committees

Appendix 3 - Councillors' questions

(Duration of meeting: 10.30 am - 12.55 pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024, e-mail Yamina.Rhouati@wiltshire.gov.uk

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

This page is intentionally left blank

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
 Magnus Macdonald
 Rosemary Brown
 Ian Thorn

Calne Area Board**Electoral Divisions 5**

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

Members

Christine Crisp
 Glenis Ansell
 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
 Nick Watts
 Chris Caswill
 Desna Allen
 Bill Douglas
 Linda Packard
 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
Philip Whalley

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
Simon Jacobs
Peter Evans
Sue Evans
Laura Mayes
Richard Gamble
Philip Whitehead

Malmesbury Area Board

Electoral Divisions 4

Brinkworth
Malmesbury
Minety
Sherston

Members

Toby Sturgis
Simon Killane
Chuck Berry
John Thomson

Marlborough Area Board

Electoral Divisions 4

Aldbourne & Ramsbury
Marlborough East
Marlborough West
West Selkley

Members

James Sheppard
Stewart Dobson
Nick 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

David Pollitt
Pat Aves
Jon Hubbard
Terry Chivers
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

Paul Oatway
Jerry Kunkler
Stuart Wheeler
Charles Howard
Chris Williams
Mark Connolly

Royal Wootton Bassett and Cricklade Area Board

Electoral Divisions 6

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

Members

Bob Jones
Allison Bucknell
Jacqui Lay
Mollie Groom
Mary Champion
Chris Hurst

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

John Walsh

Ricky Rogers
Brian Dalton
Helena McKeown
Mary Douglas
Bill Moss
Ian Tomes
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
Peter Edge

Southern Wiltshire Area Board

Electoral Divisions 5

Alderbury & Whiteparish
Downton & Ebbles 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 Drynam
Trowbridge Grove
Trowbridge Lambrok
Trowbridge Park
Trowbridge Paxcroft

Members

Ernie Clark
Horace Prickett
Nick Blakemore
John Knight
Graham Payne
Jeff Osborn
Helen Osborn
Dennis Drewett
Steve Oldrieve

Warminster Area Board

Electoral Divisions 5

Warminster Without
Warminster Broadway
Warminster Copheap and Wylde
Warminster East
Warminster West

Members

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

Westbury Area Board

Electoral Divisions 4

Ethandune
Westbury East
Westbury North
Westbury West

Members

Jerry Wickham
Gordon King
David Jenkins
Russell Hawker

**Appointment of Committee Members
Agreed by Annual Council 13 May 2014**

Strategic Planning Committee (11)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	UKIP (0)
A Davis	G Ansell	-	T. Chivers	-
S Dobson	D Jenkins			
C Howard	G Wright			
W Moss				
C Newbury				
A Trotman				
F Westmoreland				
Substitutes:				
J Shepherd	B Douglas		E Clark	
M Douglas	H Marshall		D Drewett	
P Oatway	N Watts		G Jeans	
J Wickham	I West			

Area Planning Committee – East (8)

Conservative Group (7)	Liberal Democrat Group (0)	Labour Group (0)	Independent (1)	UKIP (0)
M Connolly	-	-	N Fogg	
S Dobson				
P Evans				
R Gamble				
J Kunkler				
P Oatway				
C Howard				
Substitutes:				
E Bryant			T Chivers	
J Sheppard			E Clark	
P Whitehead			D Drewett	
C Williams			J Osborn	

Area Planning Committee – North (11)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	UKIP (0)
C Crisp	H Marshall	-	S Killane	-
M Groom	C Hurst			
P Hutton	M Packard			
S Parker				
T Sturgis				
A Trotman				
P Whalley				
Substitutes:				
C Berry	D Allen		E Clark	
M Champion	G Ansell		T Chivers	
H Greenman	B Douglas		D Drewett	
J Lay	N Watts			

Area Planning Committee – South (11)

Conservative Group (6)	Liberal Democrat Group (2)	Labour Group (2)	Independent (1)	UKIP (0)
R Britton	B Dalton	I McLennan	G Jeans	-
R Clewer	I West	I Tomes		
C Devine				
J Green				
M Hewitt				
F Westmoreland				
Substitutes:				
A Deane	P Edge	J Walsh	T Chivers	
L Randall	H McKeown	R Rogers	E Clark	
J Smale	G Wright		D Drewett	
B Wayman	M Macdonald			

Area Planning Committee – West (11)

Conservative Group (7)	Liberal Democrat Group (2)	Labour Group (0)	Independent (2)	UKIP (0)
A Davis	T Carbin	-	E Clark	-
J Knight	M Macdonald		D Drewett	
C Newbury				
H Prickett				
P Ridout				
J Seed				
R While				
Substitutes:				
J Wickham	N Blakemore		T Chivers	
F de Rhé Philipe	R Brown		J Osborn	
K Humphries	S Oldrieve		R Hawker	
G Payne	G King			

Licensing Committee (12)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (0)	Independent (2)	UKIP (0)
A Bucknell	D Allen	-	G Jeans	-
S Evans	N Blakemore		D Drewett	
J Green	N Watts			
M Hewitt				
S Jacobs				
L Randall				
P Ridout				
Substitutes:				
E Bryant	G Ansell		N Fogg	
A Davis	B Douglas		E Clark	
H Greenman	T Carbin		J Osborn	
W Moss	H Marshall			

Overview and Scrutiny Management Committee (15)

Conservative Group (8)	Liberal Democrat Group (4)	Labour Group (1)	Independent (2)	UKIP (0)
C Crisp	J Hubbard	J Walsh	J Osborn	-
S Dobson	G King		S Killane	
A Hill	M Packard			
J Lay	Ian Thorn			
P Ridout				
B Wayman				
P Whalley				
J Noeken				
Substitutes:				
M Douglas	G Ansell	R Rogers		
H Greenman	T Carbin		G Jeans	
P Oatway	D Jenkins		H Osborn	
C Berry	N Watts		E Clark	

Children's Select Committee (13)

Conservative Group (8)	Liberal Democrat Group (3)	Labour Group (1)	Independent (1)	UKIP (0)
M Champion	P Aves	R Rogers	H Osborn	-
M Douglas	J Hubbard			
S Evans	C Hurst			
J Lay				
S Jacobs				
W Moss				
C Crisp				
P Whalley				
Substitutes:				
C Berry	T Carbin	J Walsh	T Chivers	
J Shepherd	P Edge		D Drewett	
A Davis	I Thorn		J Osborn	
S Dobson	H Mckeown			

Environment Select Committee (13)

Conservative Group (7)	Liberal Democrat Group (4)	Labour Group (1)	Independent (1)	UKIP (0)
P Evans	L Packard	I McLennan	D Drewett	
J Green	B Dalton			
M Groom	P Edge			
J Lay	M Macdonald			
C Newbury				
J Sheppard				
B Wayman				
Substitutes:				
A Deane	B Jones	I Tomes	T Chivers	
M Hewitt	T Carbin	R Rogers	N Fogg	
E Bryant	R Brown		G Jeans	
P Whalley	I West		J Osborn	

Health Select Committee (13)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (1)	Independent (2)	UKIP (0)
M Champion	B Jones		J Osborn	
C Crisp	G King	J Walsh	C Caswill	
M Douglas	H Mckeown			
J Noeken				
J Knight				
N Philips				
P Ridout				
Substitutes:				
C Berry	T Carbin	I McLennan	D Drewett	
S Evans	D Jenkins	R Rogers		
J Johnson	N Watts		H Osborn	
P Evans	P Aves		T Chivers	

Standards Committee (11)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	UKIP (0)
A Bucknell	D Allen		T Chivers	
H Greenman	T Carbin			
J Johnson	R Brown			
J Noeken				
P Oatway				
H Prickett				
S Parker				
Substitutes:				
M Douglas	G Ansell		E Clark	
J Wickham	M Macdonald		D Drewett	
P Ridout	H Marshall			
J Smale	B Jones		G Jeans	

Police and Crime Panel (7)

Conservative Group (4)	Liberal Democrat Group (2)	Labour Group (0)	Independent (1)	UKIP (0)
R Britton	G Ansell	-		
C Howard	T Carbin		C Caswill	
P Hutton				
J Johnson				
Substitutes:	B Dalton		E Clark	
C Berry	L Packard			
S Evans	I Thorn		N Fogg	
T Trotman	H McKeown		J Osborn	

Audit Committee (11)

Conservative Group (6)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)	UKIP (1)
R Britton	R Brown	-	H Osborn	D Pollitt
A Deane	S Oldrieve			
S Dobson	L Packard			
J Johnson				
S Parker				
J Sheppard				
Substitutes:				
P Evans	H McKeown		T Chivers	
M Hewitt	I West		N Fogg	
J Lay	M Packard		G Jeans	
J Noeken	D Jenkins		J Osborn	

Appeals Committee (8)

Conservative Group (5)	Liberal Democrat Group (2)	Labour Group (1)	Independent (0)	UKIP (0)
C Berry	H Marshall	I Tomes	-	-
A Bucknell	B Douglas			
A Davis				
A Deane				
S Parker				
Substitutes:				
M Hewitt	P Aves			
J Knight	P Edge			
P Oatway	G Wright			
F Westmoreland	D Allen			

Staffing Policy Committee (9)

Conservative Group (5)	Liberal Democrat Group (3)	Labour Group (0)	Independent (0)	UKIP (1)
A Bucknell	B Jones	-	-	D. Pollitt
M Hewitt	D Jenkins			
J Scott	G Wright			
J Smale				
S Wheeler				
Substitutes:				
F de Rhé Philipe	D Allen			
P Evans	M Packard			
W Moss	N Blakemore			
A Trotman	S Oldrieve			

Officer Appointments Committee (5)

Conservative Group (3)	Liberal Democrat Group (1)	Labour Group (0)	Independent (1)	UKIP (0)
F de Rhe Philipe	J Hubbard	-	N Fogg	-
J Scott				
J Thomson				
Substitutes:				
K Humphries	P Edge		T Chivers	
L Mayes	B Jones		D Drewett	
J Seed	G King		G Jeans	
S Wheeler	H McKeown		J Osborn	

Pension Fund Committee (5)

Conservative Group (4)	Liberal Democrat Group (1)	Labour Group (0)	Independent (0)	UKIP (0)
A Deane	M Packard	-	-	-
C Howard				
S Parker				
R While				
Substitutes:				
F de Rhe Philippe	C Hurst			
C Newbury	I Thorn			
P Whitehead	B Jones			
	G King			

This page is intentionally left blank

Wiltshire Council

Council

13 May 2014

Item 18 - Councillors' Questions

From Councillor Terry Chivers, Melksham Without North Division

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

Question 1

At the Strategic Planning Committee, on 16th April, the Conservative Group voted on block to refuse the application for a solar farm at Sandridge.

Can you assure me and the residents of Wiltshire that applications aren't being decided on party lines, and every application is decided solely on planning issues?

Response

I attended the meeting on 16th April and I can give the assurance that for the Conservative Members on the Committee, every application is determined solely on planning issues.

Item 18 - Councillors' Questions

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 2

Please can I be told that why after all the promises made, BBLP have once again failed to provide the residents of my division with a decent and reliable grass cutting service?

Response

As you are aware WC officers and BBLP spent a lot of time earlier in the year producing definitive maps of all grass cutting areas and issued these to the town and parish councils so that they too would have a definitive record.

From these definitive maps BBLP were tasked with producing grass cutting schedules and identifying the resource they would apply to each area. BBLP did this, showing the levels that would be applied to each area, north, south, east and west. During our regular service meetings with BBLP we expressed concern about the resource being allocated to the West, and to a lesser extent the South. We made it clear to BBLP that we did not think enough resource was being applied to the West.

However, this is a service contract, and we can only determine the outcome of the service not the input. We therefore monitored the situation through the first cut of the year and into the second cut of the year.

Because of our concerns about resource levels, and through our regular weekly review meetings, we elicited a number of response measures that would be invoked if BBLP were to fall behind the agreed schedules.

At the end of cut 1 BBLP were on schedule in the East and the North, but behind in both the West and the South. However the situation was redeemable so we did not invoke the special measures agreed.

During the last week of April our concerns increased re the West falling further behind so on 30th April we requested that the special measures be invoked immediately. Additional teams were employed over the bank holiday weekend at the start of May and by 7th May an additional 3 teams of grass cutters, 9 personal, were allocated to the West to bring it back to schedule. This additional resource will be

provided for the foreseeable future to support grass cutting across the county to ensure appropriate standards are maintained.

The impact of these additional teams could be seen immediately and we will remain until the schedules and all back on time.

Wiltshire Council

Council

13 May 2014

Item 18 - Councillors' Questions

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 3

Will Balfour Beatty Living Places publicly apologise to the residents of Trowbridge for repeated failures to provide an effective grass cutting service?

Should this aspect of the overall Balfour Beatty contract be curtailed?

Response

BBLP apologise, both to Trowbridge residents, and to the Council for any inconvenience caused by any service shortfall in grass cutting in and around Trowbridge. We have now trebled the resources in the area, and are totally committed to providing an excellent service to Wiltshire Council. We will continue to invest more time, more people and more machines until the end of the season.

My comments:

The grass cutting element is a very small part of the contract. Grass cutting in many areas has been delivered in line with the contractual requirements. The implications of changing the grass cutting service arrangements would have considerable financial and contractual implications to the council. The contract has processes and procedures to manage services not delivering to the contract requirements. Corrective action is the most appropriate action to take when issues arise. Balfour Beatty Living Places have given assurances that the grass cutting arrangements will be delivered in line with the contractual requirements across the county.

Item 18 - Councillors' Questions

From Councillor Graham Payne, Trowbridge Drynham Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 4

Do you think that Trowbridge will win the "Dandelions in Bloom" competition this year or is it your viewpoint that it would be better for the Town to be entered in the "Best Kept Roadside Verge" category?

Response

By the time judging takes place the Dandelions will no longer be there so we suggest collecting as many as possible now and using one of the following recipes:

Dandelion Wine (2)

- 2 qts dandelion flowers
- 3 lbs granulated sugar
- 4 oranges
- 1 gallon water
- yeast and nutrient

This is the traditional "Midday Dandelion Wine" of old, named because the flowers must be picked at midday when they are fully open. Pick the flowers and bring into the kitchen. Set one gallon of water to boil. While it heats up to a boil, remove as much of the green material from the flower heads as possible (the original recipe calls for two quarts of petals only, but this will work as long as you end up with two quarts of prepared flowers). Pour the boiling water over the flowers, cover with cloth, and leave to steep for two days. Do not exceed two days. Pour the mixture back into a pot and bring to a boil. Add the peelings from the four oranges (again, no white pith) and boil for ten minutes. Strain through a muslin cloth or bag onto a crock or plastic pail containing the sugar, stirring to dissolve. When cool, add the juice of the oranges, the yeast and yeast nutrient. Pour into secondary fermentation vessel, fit fermentation trap, and allow to ferment completely. Rack and bottle when wine clears and again when no more lees form for 60 days. Allow it to age six months in the bottle before tasting, but a year will improve it vastly. This wine has less body than the first recipe produces, but every bit as much flavour (some say more!).

Dandelion Fritters

For the fritters you only need the tops which are very easy to pick. Do pick them in the sunshine when they are open, and when you have time to make the fritters right after gathering. Bring your basket of flowers inside, find a bowl, and mix together one egg and one cup of milk. Stir in a cup of flour and your fritter batter is ready to go. (If you like your fritters sweet you can add a little maple syrup or honey.)

Now, prepare a skillet on the stove with gently warmed olive oil – keep it over medium heat. Take one of the flowers and hold it by the greens at the base of the flower petals. Dip the petals into the batter and twirl until the flower is covered.

Drop it into the skillet, flower side down. Continue dipping and dropping flowers, checking the first ones every once in a while to see if they are brown. When they've lightly browned, flip them over and brown them on the other side. When they're brown on both sides remove them from the skillet and drain the excess oil on paper towel.

For a sweet treat, drizzle them with maple syrup, honey, jam, or powdered sugar. For savoury fritters try dipping in mustard or adding some savoury herbs to the batter.

Enjoy!

Item 18 - Councillors' Questions

From Councillor Graham Payne, Trowbridge Drynham Division

To Councillor Jane Scott OBE, Leader of the Council

Question 5

Could you outline the recent successes of the Local Enterprise Partnership together with a report on the strategy to take this organisation forward? What specific benefits have accrued for Trowbridge as a result of LEP activities?

Response

The Swindon and Wiltshire Local Enterprise Partnership (S&WLEP) is one of 39 Local Enterprise Partnerships established by business and local authorities and approved by government. The Swindon and Wiltshire Local Enterprise Partnership comprises of 8 private sector board members and the 2 Local Authority Leaders, plus a representative from the Higher Education/Further Education sector and the military (43 Wessex Brigade).

To date the S&WLEP has delivered the Growing Places Infrastructure Fund, a £10 million revolving fund that is currently supporting the delivery of 3 Wiltshire projects: Gateway to Growth, a £1 million fund to provide business support including a web based portal and intensive support for growth, focusing on development of; new markets, products and processes, leadership and management capacity. In the first round, 4 local businesses were provided with support, and further rounds are available. Additionally, Wiltshire Council and S&WLEP are working to deliver 'The Enterprise Network', providing incubation space and business support for local businesses.

Currently, S&WLEP is working to develop its Strategic Economic Plan (SEP), setting out the schemes and infrastructure necessary to deliver economic growth through Swindon and Wiltshire. From this, the S&WLEP will negotiate with government its allocation of the Local Growth Fund which constitutes a competitive £10bn funding source for strategic infrastructure projects delivered between 2015 and 2021. As part of this, work is ongoing to establish the governance procedures, including the democratic mandate of the two Local Authorities which is being developed from the initial proposition outlined in the bid to establish S&WLEP, submitted in 2011.

While many schemes as mentioned above are LEP-wide, some bring specific benefits to Trowbridge including:

- Gateway To Growth, which has selected Trowbridge based Wessex Chamber of Commerce as its delivery partner

- White Horse Business Centre at Ashton Court Trowbridge, which is one of the centres in The Enterprise Network. Currently 4 businesses are utilising space at the centre, and through the support scheme 96 businesses have been supported across the 4 centres.

In addition, the Strategic Economic Plan, with reference to Trowbridge specifically, sets out the LEPs bid for £8.74million of Local Growth Funding to support essential transport infrastructure across Trowbridge. These projects seek to ensure that the Trowbridge transport network is developed sustainably to accommodate the future growth of the town and will help lever in an additional £8.84million in private sector contributions. In particular, proposed improvements to the West Ashton/Yarnbrook junctions are expected to create around 1470 jobs, opening up land for employment and housing. The SEP also makes provision for strategic improvements to both the local road network, sustainable transport network and the local rail network, supporting the sustainable development of Wiltshire as a whole up to 2026. These projects collectively amount to over £36million of Local Growth Fund matched by over £35million of private sector contribution.

Details of what this will comprise will be available once negotiations are concluded, but the first version of the Strategic Economic Plan is available at:

<http://www.swlep.biz/docs/1>

Wiltshire Council

Council

13 May 2014

Item 18 - Councillors' Questions

From Councillor George Jeans, Mere Division

**To Councillor Jonathon Seed, Cabinet Member for Communities, Campuses,
Area Boards, Leisure, Libraries and Flooding**

Question 6

I am confused about Area Board Funding for 2014-15.

I am proud of what Area Boards have achieved as I know many Councillors would be. I welcomed the impression during the Budget debate that the Area Board Funding would be maintained at the same level as 2013-14.

However I find that SWWAB has been allocated £56,800 (Capital & Revenue) this year, the similar figure for 2013-14 was £96,467 i.e the amount is reduced by some £40K this year.

I have taken last years' amount from the summary attached to the delegated decision reference ACCH-001-13.

The Budget book for this year has the same amount of £1,027,000 as the prior year for Capital Funding, how can this be?

Would it be possible to have the breakdown of Area Board Funding in a similar format to that produced in Spring of 2013 as part of the delegated decision at the time, as it appears that Administration has substantially reduced the base monies of Area Board funding for this year.

Response

The total funding allocated to Area Boards is £1 million in line with Council's budget setting process. However Area Board funding varies from year to year for a number of factors. Last year's allocation included some one off grants for youth funding initiatives, Rural Support Funding and Digital Literacy Funding as well as one off funding for CATG Community Speed initiatives. This year further funding may be allocated following the conclusion of the Youth Services Review when that has been considered by Cabinet. The allocations per Area Board for this year are as follows

2014 Allocation :

Area Board	Capital	Revenue	CATG	Total
Amesbury	57,519.51	£10,151	17,731	85,401
Bradford on Avon	32,922.54	£5,810	10,062	48,795
Calne	38,536.98	£6,801	12,465	57,803
Chippenham	78,525.62	£13,857	18,087	110,470
Corsham	34,938.68	£6,166	10,951	52,055
Devizes	58,551.41	£10,333	15,751	84,635
Malmesbury	34,527.87	£6,093	13,360	53,981
Marlborough	35,437.57	£6,254	13,615	55,307
Melksham	47,438.90	£8,372	13,225	69,035
Pewsey	29,392.01	£5,187	12,377	46,956
Royal Wootton Bassett & Cricklade	49,892.98	£8,805	14,205	72,903
Salisbury	75,926.93	£13,399	14,758	104,084
Southern Wiltshire	37,335.35	£6,589	13,676	57,600
South West Wiltshire	48,299.52	£8,523	17,079	73,902
Tidworth	38,300.43	£6,759	11,757	56,816
Trowbridge	75,942.18	£13,402	15,354	104,698
Warminster	44,968.33	£7,936	15,226	68,130
Westbury	31,543.19	£5,566	10,320	47,430
TOTALS	850,000	150,000	250,000	1,250,000

Wiltshire Council

Council

29 July 2014

Petitions Update

As of 15 July 2014, 3 petitions have been received by Wiltshire Council since the last report to Council. Further details are shown at Appendix 1 to this report.

No requests have been received to present petitions at this meeting.

Proposal

That Council notes the petitions received and the action being taken, as set out in the Appendix to this report.

Yamina Rhouati
Democratic Governance Manager

Background Papers

None

Appendix 1 – schedule of petitions received

This page is intentionally left blank

NAME	DATE	RESPONDENTS	ACTION
<p>Petition of complaint – Regarding the poor quality tarmac surface on the A363 at Farleigh Wick which is worn, damaged and generates excessive noise.</p> <p>Originator – Mr Richard L Davies.</p>	<p>Received 07/07/2014</p>	49	<p>Brought to the attention of the Cabinet Member for Highways, Streetscene and Broadband (Cllr John Thomson), the Local Member (Cllr Trevor Carbin), the Chairman of the Bradford-on-Avon Area Board (Cllr Rosemary Brown) and the Community Area Manager by email.</p>
<p>Petition to provide speed reduction measures in New Road, Landford.</p> <p>Originator – Mr and Mrs Turnball via John Glen MP.</p>	<p>Received 01/07/2014</p>	36	<p>Received from the Associate Director of Highways and Transport's office. Brought to the attention of the Cabinet Member for Highways, Streetscene and Broadband (Cllr John Thomson), Salisbury Area Board Chairman (Cllr Ricky Rogers), the Local Member (Cllr Leo Randall) and the Community Area Manager by email. John Glen MP notified of response.</p>
<p>Petition the Council to make the road and pavement less dangerous outside St Patrick's Catholic Primary School, Corsham. (E-Petition).</p> <p>Originator – Mr Jonathon Hough.</p>	<p>End date 12/08/2014</p>	72 to date	<p>Currently active. Petition originator has been informed that his petition is now active and has been provided with the Wiltshire Council Petition Scheme guidance.</p>

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

This page is intentionally left blank

Notices of motion

The following rules taken from Part 4 – Rules of Procedure – Council explain how motions are to be dealt with at the meeting:

At the meeting

89. The Chairman will invite the proposer, or one of the councillors, who has given notice of the motion to move the motion. Where these councillors are not available at the meeting, the motion can be moved and seconded by any other councillors.
90. A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
91. Once moved and seconded at the meeting, the councillor proposing the motion will be given up to five minutes in which to present his or her motion.
92. The Chairman will give the relevant cabinet member an opportunity to respond to the motion giving him or her up to five minutes in which to do so.
93. On considering a notice of motion and subject to paragraphs 95-100 below, the following options shall then be open to the council:
 - debate the motion and vote on it
 - refer it to an appropriate member body with or without debate
 - refer it to the Leader of Council with or without debate
94. The Chairman will move that the motion either be debated on the day or referred to the appropriate member body. This will be seconded by the Vice-Chairman of Council or in his or her absence, another member of the council and put to the vote without discussion. On the question of referring the motion to an appropriate member body, the only amendment the Chairman will accept is to which member body the motion should be referred.
95. If the motion relates to a function exercisable only by the council then the council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of the Council.
96. If the motion relates to a function that has been delegated to another member body then the council will vote without debate on whether to refer the motion to that member body.
97. If referred to another member body that member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already members of that body in order to present their motion but will not be able to vote unless they

have voting rights. The member body must report back to the council as soon as practicable by way of the minutes of that meeting.

98. If the notice of motion is referred to another member body following debate at council, a summary of the debate at council together with any recommendation will be taken into account by the member body when considering the motion.
99. If the notice of motion relates to an executive function, the motion will be referred to the Leader of the Council. The Leader will write to the proposers of the motion with a copy to all members of the council, advising them what steps he or she proposes to take.
100. Any decision of council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 14.2 of this Constitution.

Part 4C – 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.

This page is intentionally left blank

Wiltshire Council

Council

29 July 2014

Notice of motion No. 9

Car Parking Ticket Machines – Councillors Terry Chivers and Jeff Osborn

To consider the following motion:

“To counter all the negative publicity that Wiltshire Council has received for not operating change giving parking ticket machines, this extra money (that is in reality is not ours) should be returned to the community by way of an equivalent increase in the amount made to community area grants”

This page is intentionally left blank

Wiltshire Council

Council

29 July 2014

Notice of motion No. 10

One Card for Transport in Wiltshire Councillors Magnus MacDonald and Gordon King

“Council recognises the progress that has been made by service providers to introduce Smart Card technologies on public transport across the region.

Council further recognises the potential cost savings that can be achieved through the adoption of such schemes as well as the considerable improvements in customer experience that can result.

Council notes the benefits of integrating such schemes, thus better facilitating residents being able to travel with ease, and further notes that where such schemes are integrated with associated transport schemes, such as car parking and other council services, additional savings and improvements for residents can be achieved.

Council therefore requests that the Administration work with Officers and partners to develop a 'One Card for Wiltshire' scheme that would enable a resident to use a single payment card to pay for both public transport and car parking across the county. Additionally Council requests that the possibility of adding the ability to pay for other council services should be investigated.

Council recognises that there is work being undertaken on a regional basis and that any such scheme will have to be phased in, but requests the Administration to ensure that future developments on use of Smart Cards in the county should focus on delivery of 'One Card for Wiltshire’.

Notes:

Scheme introduced in Norfolk

<http://www.bbc.co.uk/news/uk-england-norfolk-26781957>

Proposed scheme for Oxford

<http://www.bbc.co.uk/news/uk-england-oxfordshire-21158330>

Scheme introduce for across Scotland

<http://news.stv.tv/scotland/192709-plans-for-smart-card-cashless-travel-on-public-transport-across-scotland/>

Article in The Guardian describing many of the benefits of such a

scheme <http://www.theguardian.com/public-leaders-network/2013/jan/09/centro-public-transport-travel-systems>

Slightly dated now, but very interesting research undertaken by DfT of use of Smart Card technologies, particularly for expanding beyond pure public transport schemes.

<http://www.dft.gov.uk/rmd/subprogramme.asp?intProgrammeID=&intSubProgrammeID=264>

EU Study on Public Transport. Smartcards

<http://ec.europa.eu/transport/themes/urban/studies/doc/2011-smartcards-final-report.pdf>

Wiltshire Council

Council

29 July 2014

Notice of motion No. 11

Fire Authority Merger – Councillors Jeff Osborn and Terry Chivers

”Recognising the dire financial circumstances facing the Wiltshire and Swindon Combined Fire Authority and the need to maintain a viable fire and rescue service for our residents; this Council declares its support for a merger between Wiltshire and Swindon CFA and Dorset CFA.”

This page is intentionally left blank

Wiltshire Council

Council

29 July 2014

Notice of motion No. 12

Youth Services – Councillors Jon Hubbard and Trevor Carbin

“Council notes the reforms to the Integrated Youth Service outlined in the cabinet report of 15th May 2014.

Council recognises the plans for a more community led model, and supports the concept of communities having more control over identifying the best delivery model for provision of Positive Activities for Young People through the development of Local Youth Networks (LYN).

Council also notes that every Area Board will have a Community Youth Officer assigned who will work with community groups to develop the new offer and support the developing LYNs.

Council further notes that all youth provision in existing Youth Development Centres and street based youth work supported by the Integrated Youth Service will cease by 30th September 2014.

Council is concerned at the impact of these sudden changes on young people and Wiltshire's communities when the service closes.

Council recognises that when consulted on the changes Young People responded more than anything else that they valued the benefits of having professional youth workers to support them in personal development and decision making, especially the additional support available in times of personal crisis.

Council therefore requests the administration to use the £225,000 recently identified from senior staff savings to provide a transitional service for the next 18 months. This service could provide street based youth workers to work with existing and emerging community providers to support young people within their communities and ensure that the LYN's are voicing the needs of young people in the wider community including the villages.

This will also help to deliver positive activities requested by Young People and not activities imposed on Young People - thus responding to a key concern expressed by Young People during the consultation process.

Council believes that this transitional arrangement will help Area Boards and LYNs to ensure the new Young People's funding best meets the actual needs of Young People in communities; thus better enabling communities to work towards fulfilling the opportunities presented by the new operating model approved by Cabinet”.

This page is intentionally left blank

Wiltshire Council

Council

29 July 2014

Notice of motion No. 13

Improvements to Junction 16 – Councillors Mollie Groom and Ricky Rogers

“Wiltshire Council has failed to consult on or consider fully the impacts that improvements to Junction 16 will have on Wiltshire’s environment and people and I request that:

- a) Junction 16 improvements are put on hold until the impacts are consulted on and considered, and**
- b) effective public transport improvements for the Wootton Bassett to Swindon corridor are sought urgently, including rail, with the opening of Wootton Bassett station and one at Mannington, and that the cycle path is brought forward from the present schedule of 2021 to 2015”.**

This page is intentionally left blank

Wiltshire Council

Full Council

29 July 2014

Review of Part 3 of The Constitution – Responsibility For Functions

Purpose

1. The purpose of this report is to ask Council to consider proposed changes to Part 3 of the Constitution, as shown at Appendix 1, including the transfer of the Police and Crime Panel Procedure Rules and Panel Arrangements from Part 3 to a new Protocol, as shown at Appendix 2, following the approval of the Standards Committee on 9 July 2014, with the minutes extract of Standards shown at Appendix 3.

Background

2. Part 3 of the Constitution deals with Responsibility for Functions. This includes setting out the functions of Council, Committees and Cabinet, as well as the Delegation of Executive Functions, Scheme of Delegation to Officers and Scheme of Sub-Delegation.
3. The majority of the changes which have been made are intended to make this Part clearer and easier to follow.
4. Some updates have been required to take account of the following new legislation:
 - a. Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012
 - b. Police Reform and Social Responsibility Act 2011
 - c. Health and Social Care Act 2012
5. The other changes which have been made are summarised in paragraph 7 below. These changes do not make any material changes to existing powers but seek to ensure that the powers that are granted under the constitution are exercised properly.
6. The Constitution Focus Group has considered the proposed amendments and further changes were made as a result.

Main Issues for Consideration

7. The changes which have been made to Part 3 are shown in tracked changes.
 - a. A new contents section has been added for ease of use and to ensure that Part 3 can be more easily navigated.
 - b. A new definitions section has also been added for ease of reference.

c. **Part 3 Section A:**

This section contains a core set of principles which identify the key points which should be considered when applying Part 3. Some of these principles have been moved from other sections of the existing Part 3, some have been added to ensure clarity and some are as a result of changes to the legislation as set out in Paragraph 4 of this report.

d. **Part 3 Section B:**

The section has been updated to take account of new legislation and remove reference to repealed legislation.

Some ambiguity was identified in Part 3A, as previously drafted, regarding the responsibilities of the Strategic Planning Committee and Area Planning Committees. This has been dealt with by redrafting parts of paragraphs 2.1 and 2.2.

Paragraph 2.3 has been updated to reflect changes in respect of Licensing.

Part of paragraph 2.5 has been amended to reflect the decision of Full Council at the meeting on 12 November 2013 regarding political balance in respect of sub-committees.

Paragraph 2.7 has been updated to reflect changes made by the Pension Committee.

Responsibility for agreeing the council tax base and controlling capital expenditure has been removed from paragraph 1.3 (Full Council) and re-inserted into paragraph 3 (Cabinet) after consultation with the Associate Director Finance.

Paragraphs 4.7 and 4.8 have been amended to clarify membership arrangements and distinguish between voting members and other participants>

Paragraph 4.9 has been updated to clarify the procedure for appointing a chairman and vice chairman of an Area Board in a unitary election year.

Paragraphs 5 and 6, which relate to the Police and Crime Panel and Health and Wellbeing Board have been inserted. The Police and Crime Panel Procedure Rules and Panel Arrangements have been removed from this section and put into a separate protocol.

e. **Part 3 Section C:**

Appendix 2 has been updated.

f. **Part 3 Section D:**

A new contents and introduction have been inserted for ease of use.

g. **Part 3 Section D1:**

The previous Part 3B Schedule 1, which listed Directors' Areas of Responsibility, has been deleted. This will now be included as part of a separate register, which is required under statute.

This section has also been updated to reflect the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

h. Part 3 Section D2:

This Section has been separated from the previous section to distinguish between the Scheme of Delegation to Directors and the Scheme of Sub-Delegation to Officers in their areas of responsibility. This clarification should make it easier to ensure that decisions are properly authorised and the risk of a successful challenge is avoided. We have included reference to the register, which the council is required to maintain under the Local Government Act 1992 and make available to members of the public.

i. Part 3 Section D3:

An additional provision has been added to paragraph 1 to clarify that the Associate Director Economic Development and Planning Services is responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee.

8. There was discussion at the Constitution Focus Group Meeting on 15 April 2014 about how members would be made aware when an officer delegated decision had been made in order to allow them to scrutinise the decision. The provisions of the Constitution which allow members to scrutinise decisions are summarised below:
- a. A decision made by Cabinet, an individual member of Cabinet, a committee of Cabinet or a key decision made by an officer with delegated authority from Cabinet can be called-in to be scrutinised by the Overview and Scrutiny Management Committee (Part 1 Paragraph 12, Part 2 Article 6, Part 8 Paragraph 33, Protocol 5).
 - b. In relation to decisions made by officers, which are not key decisions, any member of the Council may request that decisions taken by officers under delegated powers are scrutinised by the appropriate overview and scrutiny committee (Part 3 Section D1 Paragraph 1.8).

There is not a formal call-in procedure for officer decisions which are not key decisions therefore there are no time limits for scrutinising decisions. There are controls in place under the Scheme of Delegation to Officer to ensure officers consider the following when making a decision:

- a. Obtaining the views of relevant members in accordance with set criteria;
 - b. Implication of any Council policy, initiative, strategy or procedure;
 - c. Consultation;
 - d. Other options;
 - e. Staffing, financial and legal implications;
 - f. Risk assessment;
 - g. Involvement of statutory officers and/or Directors;
 - h. Regional or national guidance and legislation; and
 - i. The Constitution.
9. It is proposed that officer decision reports required under Part 3 will be published on the intranet in similar way to Cabinet member delegated decisions.

Recommendations

10. Council is asked to:

Approve the proposed changes to Part 3 of the Constitution, including the transfer of the Police and Crime Panel Arrangements to a new Protocol.

Ian Gibbons, Associate Director, Legal and Governance, and Monitoring Officer

Appendix 1 - Tracked changes to Part 3

Appendix 2 - Police and Crime Panel Protocol

Appendix 3 - Minute Extract of Standards Committee 9 July

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION A: GENERAL

1. Introduction
2. Definitions
3. Principles

SECTION B: FUNCTIONS OF COUNCIL, COMMITTEES AND CABINET

1. The Council
2. Committees
 - 2.1 Strategic Planning Committee
 - 2.2 Area Planning Committee
 - 2.3 Licensing Committee
 - 2.4 Staffing Policy Committee
 - 2.4.1 Senior Officers' Employment Sub-Committee
 - 2.4.2 Staffing Appeals Sub-Committee
 - 2.4.3 Grievance Appeals Sub-Committee
 - 2.5 Standards Committee
 - 2.6 Officer Appointments Committee
 - 2.7 Wiltshire Pension Fund Committee
 - 2.8 Audit Committee
 - 2.9 Appeals Committee
3. Cabinet
 - a. Local Choice Options
 - b. Cabinet Members
4. Area Boards
5. Police and Crime Panel
6. Health and Wellbeing Board

Schedule 1 AREA BOARDS: ELECTORAL DIVISION AND PARISH ALLOCATIONS

SECTION C: DELEGATION OF EXECUTIVE FUNCTIONS

SECTION D: SCHEME OF DELEGATION TO OFFICERS

D1: SCHEME OF DELEGATION

1. Scheme of Delegation to Directors
2. Decision Making
3. Record Keeping

4. Emergency Powers
5. Solicitor to the Council

D2. SCHEME OF SUB DELEGATION

D3. SCHEME OF DELEGATION SPECIFIC TO PLANNING

D4. SCHEME OF DELEGATION SPECIFIC TO LICENSING

SCHEDULE 1: INDEMNITY TO STAFF

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION A: GENERAL

1. Introduction

Part 3 of this Constitution deals with responsibility for functions and decision making.

2. Definitions

In this Part, the following words and phrases have the following meaning:

Director	includes Corporate Directors and Associate Directors, except where the context requires otherwise.
Executive decision	means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a local authority.
Incidental decision	means a decision which relates to the day to day running of a service or the implementation of a decision made by Council, Cabinet or a Committee.
Proper Officer	means the Associate Director, Corporate Function and Procurement, or such other officer as designated from time to time by the Head of Paid Service.
Register	means the register referred to in Part 3 Section D 1 Paragraph 1.6 and stored and maintained on the Council's intranet.
Regulations	means the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Comment [a1]: Definition from The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

In this Part 3 reference to any legislation includes reference to any successor legislation.

3. Principles

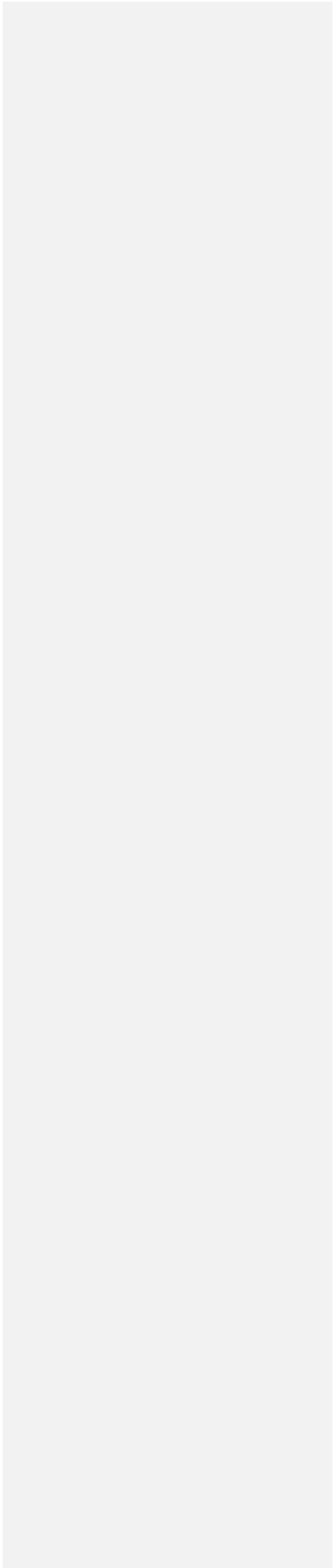
1. Wiltshire Council has a leader and cabinet executive model and as a result reference should be made to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to determine whether a function is a council or an executive function.
2. Section B of this Part 3 sets out the functions specifically reserved to the Council, Cabinet or Committees in accordance with Section B of this Part 3.
3. The Corporate Directors, supported by the Associate Directors, shall have responsibility for the overall corporate management of the Council.

Comment [a2]: Local Government Act 2000 S9C

4. Where a function has not been specifically reserved in accordance with Principle 2 above, the Corporate Directors and the Associate Director within whose remit the matter falls are empowered to make decisions on behalf of the Council in accordance with Part 3 Section D 1 of the Constitution.
5. Directors may authorise officers to take decisions on their behalf provided a written scheme of sub delegation is recorded.
6. Directors may decide that any sub delegations they grant to officers within their team under their scheme of sub delegation may be subject to financial limitations. Whilst a Director may wish to consider using the signing and authorisation limits set for various officers under the Council's Budget and Policy Framework, they are not limited in this regard. The signing and authorisation limits set under the Budget and Policy Framework are financial management controls. A scheme of sub delegation is the delegation by a particular Director to other officers within that Director's team to make particular types of decision for and in the name of that Director and therefore such sub delegation can be given up to the maximum limits of the Director's own powers.
7. Decisions made under delegated powers should be recorded in accordance with Part 3 Section D 1 Paragraph 2.3 and 2.4.
8. Each Director must ensure that schemes of sub delegation for decision making for their service areas are in place. Directors are also responsible for ensuring valid instruments of appointment for any powers exercised by officers by virtue of any statutory appointments are in place. Directors must ensure that schemes of sub delegation and instruments of appointment are recorded on the Register.
9. Any decision taken by an officer on behalf of a Director shall remain the responsibility of the Director.
10. In making decisions officers will comply with requirements of this Constitution including but not limited to:
 - The Constitution (Part 2)
 - Access to Information Procedure Rules (Part 5),
 - Financial Regulations and Procedure Rules (Parts 9 and 10)
 - Procurement and Contract Rules (Part 11)
 - Leader's Protocol for Individual Decision Making by Cabinet Members (Protocol 5)
11. In deciding whether or not to exercise such delegated powers, officers should consider whether to consult the appropriate cabinet member(s) or committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
12. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.

Formatted: Right

Comment [a3]: The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012



PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION B: FUNCTIONS OF COUNCIL, COMMITTEES AND CABINET

1. The Council

The Council will be responsible for the following functions, which it will exercise only in Full Council meetings:

- 1.1 Adopting the following statutory plans, strategies and documents as part of the policy framework of the Council:
- Wiltshire Children and Young People's Plan, as required by the Apprenticeships, Skills, Children and Learning Act 2009;
 - ~~Crime and Disorder Reduction Strategy~~ [Joint Strategic Assessment of Crime and Policing](#), as required by the Crime and Disorder Act 1998;
 - Emergency plans and civil contingency plans, as required by the Civil Contingencies Act 2004;
 - Local Transport Plan, as required by the Transport Act 2000;
 - Local development documents ([including supplementary planning documents](#)) which together comprise the Local Development Framework, as required by Planning and Compulsory Purchase Act 2004;
 - ~~Wiltshire and Swindon Structure Plan, as required by the Planning and Compulsory Purchase Act 2004;~~
 - Youth Justice Plan, as required by the Crime and Disorder Act 1998;
 - Corporate Equality Plan, [pursuant to the Public Sector Equality Duty under s149 of the Equality Act 2010; as required by the Race Relations \(Amendment\) Act 2000, the Sex Discrimination Act 1975, the Equal Pay Act 1970 and the Disability Discrimination Act 1995;](#)
 - ~~Local Area Agreement within the Local Agreement for Wiltshire, as required by the Local Government and Public Involvement in Health Act 2007;~~
 - Homelessness Strategy, as required by the Homelessness Act 2002;
 - Housing Renewal Strategy, as required by the Housing Act 2004;
 - Licensing Authority Policy Statement, as required by the Licensing Act 2003;
 - ~~Gambling Act Statement of Principles, as required by the Gambling Act 2005;~~
 - ~~Pay Policy Statement, as required by the Localism Act 2011;~~
 - ~~Child Poverty Strategy, as required by the Child Poverty Act 2010;~~
 - ~~Enforcement Policy, as required by the Legislative and Regulatory Reform Act 2006.~~
 - ~~Wiltshire and Swindon Waste Local Plan, as required by the European Framework Directive on Waste 2006 and the Landfill Directive 1999.~~
- 1.2 Adopting the following non-statutory plans, strategies and documents which also form part of the policy framework of the Council:
- ~~Social Service Plan (reported through NHS Local Development Plans)~~
 - ~~Sustainable Community Strategy~~
 - Adult Learning Plan
 - ~~Library Plan~~
 - Customer Access Strategy
 - Young Carers' Strategy

Comment [a4]: Revoked by South West (Revocation) Order 2013.

- Adult Care Transformation
 - Corporate Asset Investment Strategy and Corporate Property Strategy
 - Corporate Parenting Policy for Looked After Children and Young People in Wiltshire
 - [Corporate Business Plan](#)
 - Food [Safety, Food Standards and Food](#) Law Enforcement Service Plan, as required by the Food Standards Agency
 - [Housing Strategy](#)
 - [Air Quality Strategy, as required by the Environment Act 1995](#)
 - [Contaminated Land Strategy, as required by Part 2A Environmental Protection Act 1990](#)
 - Such other plans and strategies as the Council may include to form part of its policy framework.
- 1.3 [Approving the budget, including:](#)
- [Allocating financial resources to different services and projects](#)
 - [Establishing contingency funds](#)
 - ~~[Agreeing the council tax base](#)~~
 - [Setting the council tax](#)
 - [Making decisions relating to the control of the Council's borrowing requirement](#)
 - ~~[Controlling capital expenditure](#)~~
 - [Setting virement limits](#)
 - [Annual Investment Strategy](#)
 - [Annual policy for making a Minimum Revenue Provision \(MRP\)](#)
- 1.4 Approving and amending the constitution.
- 1.5 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework, or the budget, where the decision maker is minded to make it in a manner which would be contrary to the policy framework, or contrary to/or not wholly in accordance with the budget.
- 1.6 Appointing and removing the Leader of the Council from office.
- 1.7 Agreeing and/or amending the terms of reference for committees other than joint committees, deciding on their composition and making appointments to them.
- 1.8 Adopting a members' allowances scheme in accordance with the Local Authorities' (Members' Allowances) (England) Regulations 2003 following advice from an independent remuneration advisory panel comprising up to five non-elected members.
- 1.9 Confirming the appointment of the Head of Paid Service.
- 1.10 Appointing the returning officer and electoral registration officer.
- 1.11 Submitting proposals to the secretary of state under the Representation of the People Act 2000.

Comment [a5]: Michael Hudson has confirmed this is correct subject to the removal of the two functions which are the responsibility of Cabinet or their committees.

1.12 To carry out community governance reviews and put in place or make changes to local community governance and electoral arrangements in accordance with the Local Government and Public Involvement in Health Act 2007.

1.13 Making, amending, revoking, re-enacting or adopting bylaws and promoting, or opposing, the making of local legislation or personal bills.

1.14 Agreeing the cycle of Council meetings.

~~1.14~~1.15 Any function under a local act, ~~other than a function specified or referred to in regulation two or schedule one of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.~~

Comment [a6]: Amended for clarity. Regulations referred to at Part 3 Section A Paragraph 3.1.

~~1.15~~1.16 Making arrangements for questions on the discharge of the functions of the Police and Crime Panel and the fire authority to be put at Council meetings.

~~1.16~~1.17 Making appointments to the Police and Crime Panel in accordance with the relevant legislation and guidance.

Comment [a7]: Changes due to Police Act 1996 being repealed. 1.17 required under Police Reform and Social Responsibility Act 2011.

~~1.17~~1.18

2. Committees

The Council will exercise the following functions by delegation of powers to the under-mentioned committees:

2.1 Strategic Planning Committee

Composition

The size of the committee and appointments to it will be determined by council. Appointments will be made having regard to rules on political proportionality. Substitutes will be permitted in accordance with Part 4 of this Constitution. Councillors shall not participate as members of the Strategic Planning Committee until they have received appropriate training in respect of their functions on the committee.

Role and Functions

The committee will exercise the following functions:

To make strategic planning decisions as follows:

- The implications of major developments outside of Wiltshire that could have an impact on local residents.
- To consider the following categories of applications for planning permission:
 - Large-scale major developments (defined by the Department for Communities and Local Government 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;
 - 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;

- Significant applications 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);
- 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 where the Associate Director, Economic Development and Planning Services considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses;
- Any application the Associate Director Economic Development and Planning Services has determined should be dealt with by the Strategic Planning Committee.
- Consider documents relating to the Local Development Framework and advise Cabinet where appropriate.

There shall be no referral up of applications to the Strategic Planning Committee from the area planning committees.

The Associate Director, Economic Development and Planning Services shall be responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee down of applications from Strategic Planning Committee to Area Planning Committees.

Public Participation

Details of the rules concerning public participation at the Strategic Planning Committee are documented in the Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4).

2.2 Area Planning Committee

There shall be four area planning committees with the following composition and role and functions.

Composition

The size of the committees and appointments to them will be determined by Council. Appointment to each of the area planning committees will be politically proportional having regard to the wishes of group leaders, who would be asked to nominate wherever possible on a geographical basis.

Substitutes will be permitted in accordance with Part 4 of this Constitution from those eligible, selected wherever possible on a geographical basis.

Councillors shall not participate as members of the area planning committees until they have received appropriate training in respect of their functions on the committee.

Planning Role and Functions

To consider planning applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the Associate Director,

Economic Development and Planning Services considers it inappropriate to exercise delegated powers having considered public representations and consultee responses.

To consider matters of local importance within the area such as:

- The designation and amendment of conservation areas;
- Village design statements and parish plans where Council approval is required for them to be considered as material considerations in dealing with planning applications;
- Consideration of planning applications called to an area committee by division members, with the exception of those that ~~fall~~ to be determined by the Strategic Planning Committee;

There shall be no referral up of applications from the area planning committees to the Strategic Planning Committee.

The Associate Director, Economic Development and Planning Services, after consultation with the relevant cabinet member, shall be responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee in accordance with the criteria set out above. Where requested to do so, the Associate Director, Economic Development and Planning Services shall be required to set out the reasons in writing.

Comment [a8]: Inserted for clarity.

Other Roles and Functions

Where an objection has been received and that objection has not been resolved by officers, to consider matters of local importance within the area such as:

- Registration of common land for town and village greens;
- Variation of rights of common;
- Determination of applications under the ~~Explosives Act 1875~~ Manufacture and Storage of Explosives Regulations 2005;
- Public rights of way, including modification of the definitive map and the regulation of the use of the highway.

Formatted: Not Highlight

Scheme of Delegation

The scheme of delegation to the Associate Director, Economic Development and Planning Services is detailed in Part 3 Section D 3 of this Constitution.

Public Participation

Details of the rules concerning public participation at the Area Planning Committees are documented in the Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4).

2.3 Licensing Committee

Composition

The size of the committee and appointments to it will be determined by Council with a membership of between 10 and 15 councillors. Appointments will be made having regard to the rules on political proportionality.

Substitutes will be permitted in accordance with Part 4 of this Constitution

Councillors shall not participate as members of the Licensing Committee or any of its sub-committees [in relation to Licensing Act and Gambling Act matters](#) until they have received appropriate training in respect of their functions on the committee or sub-committees.

Role and Functions

Taxi, gambling, casino, gaming, entertainment, food, liquor and miscellaneous licensing.

To deal with all functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to include all of the Council's responsibilities under the Licensing Act 2003, the Gambling Act 2005 and the Council's responsibilities in respect of licensing under the Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006 any other associated matters and [anyall other similar](#) licensing and registration functions. ~~carried out by the Public Protection Service that naturally fall within the jurisdiction of the committee where legislation permits.~~

The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge [its](#) duties [including those](#) under the Licensing Act 2003 and the Gambling Act 2005.

Each sub-committee will comprise three members drawn from the Licensing Committee and appointed by the ~~Proper Officer Associate Director Corporate Function and Procurement~~ having regard to the following:

- Availability of councillors;
- Councillors selected are not the representative for the area in which the premises subject to the hearing or review is situated;
- Councillors do not have a personal or prejudicial interest in the matter to be determined;
- Cross-party representation on all sub-committees is achieved where at all possible.

Scheme of Delegation

Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences. These will be undertaken by way of licensing hearings and conducted in accordance with [relevant legislation. the Licensing Act \(Hearings\) Regulations 2005](#)

Delegations relevant to the Licensing Committee, licensing sub-committees and officers are detailed in Part 3 Section D4 of this Constitution.

2.4 Staffing Policy Committee

Composition

The size of the committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.

Substitutes will be permitted in accordance with Part 4 of this Constitution.

Role and Function

To determine, monitor and review staffing policies and practices to secure the best use and development of the Council's staff, including the power to deal with all matters relating to staff terms and conditions.

The Staffing Policy Committee will establish the following sub-committees to deal with matters relating to the dismissal or disciplinary action against individual members of staff and staff grievances.

2.4.1 Senior Officers' Employment Sub-Committee

This sub-committee is authorised to dismiss and take disciplinary action against the officers categorised below in accordance with the officer employment procedure rules:

- The Head of Paid Service
- Statutory chief officers
- Non-statutory chief officers
- Deputy chief officers
- Assistants for political groups

For this purpose the sub-committee shall comprise at least three councillors, at least one of whom shall be a member of the Cabinet.

This sub-committee is also authorised to consider and respond to grievances raised by officers in the categories listed above under stage two to the Council's grievance procedure. For the determination of such grievances the sub-committee shall comprise at least three councillors. There is no requirement for any of those members to be a member of the Cabinet.

2.4.2 Staffing Appeals Sub-Committee

This sub-committee is authorised to hear appeals against dismissal or disciplinary action:

- By the Senior Officers' Employment Sub-Committee in relation to the senior officers specified above;
- By the Head of Paid Service in relation to other staff.

The Staffing Appeals Sub-Committee has power in the case of an appeal against a warning to:

- Dismiss the appeal;
- Allow the appeal;
- Allow the appeal and substitute a different warning (greater or lesser);
- Dismiss the employee.

The Staffing Appeals Sub-Committee has power in the case of an appeal against dismissal to:

- Dismiss the appeal;
- Dismiss the appeal but offer to re-engage the employee in the same or another post with effect from a date to be determined;
- Allow the appeal and reinstate;
- Allow the appeal and reinstate with a written or final written warning.

In the case of any appeal against dismissal or disciplinary action in respect of a senior officer as identified above, the Staffing Appeals Sub-Committee shall

comprise at least three councillors, at least one of whom shall be a member of the Cabinet.

No councillor who was involved in determining a matter which is the subject of an appeal will be appointed to the Staffing Appeals Sub-Committee.

2.4.3 Grievance Appeals Sub-Committee

This sub-committee is authorised to hear appeals under stage two of the Council's grievance procedure.

The sub-committee shall comprise at least three councillors to hear an appeal. There is no requirement for any member to be a member of the Cabinet.

No councillor who was involved in determining a matter which is the subject of an appeal will be appointed to the Grievance Appeals Sub-Committee.

2.5 Standards Committee

Composition

This Committee will comprise 13 elected councillors, other than the Leader or any other member of the Cabinet, and up to 8 co-opted non-voting members, 50% of whom shall be serving town, parish or city councillors from within the Council's area who are not councillors or officers of the Council.

Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.

The term of office for co-opted non-voting members will normally be 4 years.

Co-opted non-voting members will be eligible for re-appointment for a second term.

Substitutes will be permitted in accordance with Part 4 of the Constitution.

Roles and Function

The Standards Committee is responsible for:

- promoting and maintaining high standards of conduct by elected and co-opted members and officers.
- assisting the elected and co-opted members to observe the members' code of conduct.
- advising the Council on the adoption or revision of the members' code of conduct and the arrangements for dealing with member complaints of misconduct which the Council is required to make under Section 28 of the Localism Act 2011.
- monitoring and advising the Council about the operation of its code of conduct in the light of best practice and any changes in the law.
- advising, and, through the Member Development Group, arranging to train elected and co-opted members on matters relating to the members' code of conduct and ensuring that members are aware of the standards expected of them under the code

- granting dispensations to elected and co-opted members from requirements relating to interests.
- overseeing the operation of the Council's arrangements for dealing with misconduct complaints against members and co-opted members of Wiltshire Council, and parish, town and city councillors in Wiltshire.
- overview of the whistle blowing policy.
- overview of corporate complaints handling and Ombudsman investigations.
- overview of corporate complaints handling and Ombudsman investigations.
- reviewing the implementation of recommendations made by the Ombudsman.
- oversight of the Constitution.

The Standards Committee has the power to appoint such sub-committees as may from time to time be necessary for the efficient discharge of its functions. In particular, the Committee will appoint:

- A Hearing Sub-Committee to determine member misconduct complaints under the Council's arrangements.
- A Review Sub-Committee to determine requests for review under the Council's arrangements.
- A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.

In each case the Sub-Committee shall comprise 3 elected members from whom a chairman will be elected. The Sub-Committee may include 2 non-voting co-opted members of the Standards Committee, one of whom shall be a parish, town or city council representative where the complaint concerns a parish, town or city councillor.

The above Sub-Committees are not subject to the requirements of political balance but are subject to the requirement of a maximum of 2 elected members from any political group. The composition of any sub-committee will be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee on the basis of member availability, drawing from the membership of the Committee and their substitutes.

Comment [a9]: Amendment from Full Council 12 November 2013

Members of the Review Sub-Committee may not serve on the Hearing Sub-Committee for the same or a linked complaint.

For the avoidance of doubt decisions of the Sub-Committees will be made by a simple majority of the elected members present.

2.6 Officer Appointments Committee

This committee will comprise five councillors to include at least one member of Cabinet. It will be responsible for:

- Appointing the Head of Paid Service, subject to confirmation by the Council;
- Appointing Corporate Directors and Associate Directors, subject to the officer employment procedure rules as set out in Part 15 of this Constitution.

2.7 Wiltshire Pension Fund Committee

This committee will comprise five councillors from the authority and co-opted members as follows:

- Two voting members from Swindon Borough Council;
- **Two voting Employer Representatives**
- **Two** non-voting employee representatives, one representing Wiltshire Council employees, and one representing Swindon Borough Council employees.

It will exercise the functions of the Council as administering authority under the Local Government Superannuation Acts & Regulations and deal with all matters relating thereto. **The committee will publish meetings attendance records in an Annual Report.**

The voting Employer Representatives will serve a four year fixed term from appointment. On expiry of the four year term, applications for the position will be sought (from the incumbent and the applicable employer bodies) and an appointment process will be undertaken by the committee should more than one application be received for the role.

Comment [M10]: Updated to reflect changes made by the Pension Committee.

2.8 Audit Committee

Composition

The size of the Audit Committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.

The Audit Committee will exclude members of the Cabinet. The Leader of the Council or the cabinet member responsible for finance and governance is a non-voting member of the Committee.

Substitute members will be permitted in accordance with Part 4 of this Constitution.

Role and Function

The Audit Committee will be responsible for:

- Internal Audit Activity:
 - To approve the terms of reference and strategy for internal audit, and the annual internal audit plan;
 - To monitor and review the effectiveness of internal audit to ensure compliance with statutory requirements;
 - To consider the Head of Internal Audit's annual report and opinion, and a summary on internal audit activity and the level of assurance it provides on the Council's corporate governance arrangements;
 - To consider specific internal audit reports as requested, and monitor the implementation of agreed management actions.
- External Audit Activity:
 - To receive and comment on the external audit plan;

- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance;
- To comment on the scope and depth of external audit work and to ensure it gives value for money;
- To monitor the implementation of management actions arising from external audit work.
- Regulatory Framework:
 - To monitor and review the effective development and operation of corporate governance, risk management and internal control, and to receive progress reports as required;
 - To oversee the process for production of the annual governance statement (AGS), to review the supporting evidence, and to approve the draft AGS;
 - To monitor the development and implementation of the Council's anti-fraud and corruption policy and strategy.
- Financial Management and Accounts
 - To ensure the Council's arrangements for financial management are adequate and effective, and are regularly reviewed;
 - To review and approve the annual statement of accounts;
 - To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

2.9 Appeals Committee

Composition

The size of the committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.

An appeals panel will comprise three councillors, drawn by the Proper Officer from those members of the Appeals Committee who have received appropriate training.

At each meeting of the appeals panel, one of its members shall be elected to chair the appeals panel for the duration of that meeting.

Function

An Appeals Panel is empowered to determine appeals against the following decisions of the authority:

- Education transport;
- Imposition of penalty points which would result in suspension for licensed hackney carriage, taxi and private hire vehicle operators, drivers and vehicles;
- Refusal of applications for discretionary rate relief and cases of exceptional hardship under the national non-domestic rating regulations, council tax and housing benefit regulations and Rates Relief Policies;
- Suspension, removal or exclusion of providers from the Council's Directory of Registered Early Years Providers;
- Any other function requiring an appeal to a member body not specifically reserved to another body in the Constitution, or by the law.

No councillor who was involved in determining a matter which is the subject of an appeal will be appointed to a panel hearing the appeal.

3. Cabinet

General

This section should be read in conjunction with the Cabinet Procedure Rules (Part 7).

The Leader either directly or through Cabinet will carry out within the Council's Policy and Budget Framework all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

Without limiting the scope of paragraph 3 above, Cabinet either directly or by delegating its powers as set out in Part 3 Section C of this Constitution has the following functions and responsibilities:

- Proposing the budget to Council, including the preparation of estimates and the amount of the proposed precept and any reconsideration or revision of those estimates;
- Agreeing the council tax base;
- Controlling capital expenditure;
- Proposing to Council new policies (or amendments to existing policies) which fall within the Policy Framework as defined in paragraph 1 of Part 3 of this Constitution;
- Adopting on behalf of Wiltshire Council any plans, policies or strategies which do not form part of the policy framework and are not the responsibility of any other part of the local authority;
- Implementing and delivering the agreed Budget and Policy Framework.

Comment [M11]: Moved from section 1.3 above on the advice of the Chief Finance Officer.

3.1 Local Choice Options

In regard to local choice options, the following will be the responsibility of the Cabinet:

- Making arrangements pursuant to the School Standards and Framework Act 1998 for appeals against exclusion of pupils; admission appeals; and appeals by governing bodies;
- The appointment of any individual to any office other than an office in which he is employed by the authority to anybody other than the authority and to any committee or sub-committee of such a body and the revocation of any such appointment.

The Cabinet elects to delegate the following local choice options as follows:

- Associate Director, Economic Development and Planning Services - the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land
- Solicitor to the Council - the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;

- Solicitor to the Council - the making of agreements for the execution of highways works.

3.2 Cabinet Members

The Leader of the Council chairs meetings of the Cabinet and is the principal spokesman for the Council. The role of Leader within the Budget and Policy Framework set by the Council includes:

- Setting strategic direction;
- Ensuring the needs and aspirations of Wiltshire people are known;
- Management initiatives;
- Identifying priorities and setting targets;
- Setting priorities;
- Probity and financial monitoring and risk management;
- Communication policy;
- Monitoring performance of members of his or her Cabinet;
- Promoting the Council;
- Relationships with other political group leaders and the chairman of the Council.

The provisions above are without prejudice to the statutory duties of the Head of Paid Service, the Monitoring Officer and Solicitor to the Council, the Director of Children's Services, the Director of Adult Social Services, the Section 151 Officer, the designated Scrutiny Officer or other Council officers.

The Leader will appoint individual cabinet members as he or she thinks appropriate subject to reporting appointments to the first available meeting of the Council.

Individual cabinet members will have power within any scheme of delegation determined by the Leader in accordance with:

- Article seven of Part 2 (The Constitution)
- Part 3 Section C (Delegation of Executive Functions)
- Paragraphs two to ten of the Part 7 (Cabinet Procedure Rules).

In addition to the delegation of authority to individual members the Cabinet may choose to delegate functions further to an area board, joint arrangements, or an officer.

4. Area Boards

Role and functions of Area Boards

- 4.1 The purpose of area boards is to promote the development of stronger and more resilient communities across Wiltshire's community areas through:
- Efficient, transparent and accountable decision making;
 - Effective collaboration with public, voluntary and private sector partners locally to meet the aspirations of local people;
 - Shaping the delivery of local services;
 - Addressing local issues;
 - Building community leadership and local engagement.
- 4.2 Each area board will have the following functions in conjunction with their local area:

- To provide a focus for community leadership, local influence and delegated decision-making, through the democratic mandate of elected councillors;
- To influence the allocation of resources and delivery of public services in the community area in order to pursue local priorities and issues;
- To bring together key service providers and the local community into a coherent cycle, linked to budget and decision-making processes;
- To consider current conditions and future priorities through an annual state of the community area debate;
- To publish a local area assessment setting out the agreed priorities for action arising from the state of the community area debate;
- To determine budget priorities and spend within the revenue budget allocated by the Cabinet;
- To agree a framework for consultations carried out in the community area on behalf of the Council;
- To provide feedback on major statutory consultations on behalf of the community area;
- To allocate core funding for the operation of the community area partnership and project funding for identified community priorities;
- To develop participatory budgeting processes and to be instrumental in supporting and developing funding applications to external bodies and funding streams;
- To provide excellent two-way communications for the community area about public service provision and to the Council and Cabinet about the implementation and effectiveness of policies;
- To publish and maintain a forward plan of forthcoming agenda items to give councillors, the public, parishes and the media adequate notice of the issues that are to be considered;
- To consider issues referred to the area board by town and parish councils, partners and the public;
- To establish task and finish groups to examine specific issues.

Composition

- 4.3 The area boards are appointed by the Council under section 102 of the Local Government Act 1972 and are constituted as area committees within the meaning of Section 18 of the Local Government Act 2000 and regulations made under that section for the purpose of discharging functions delegated by the executive as set out below.
- 4.4 In the event of a councillor being elected following a by-election, Interim Associate Director Policy, Performance, Procurement, Democratic Services has delegated authority to appoint the councillor to the relevant area board and council will be asked to ratify the appointment at its next available meeting.
- 4.5 Area boards are established for the areas shown on the map at schedule one and named as set out in that schedule.
- 4.6 Pewsey and Tidworth are established as a single area committee with two sub-committees, each of which operate as an area board known as Pewsey Area Board and Tidworth Area Board respectively.

Membership and Representation

~~4.7 Each area boards will comprise the following membership shall comprise of :~~
~~4.7 The elected unitary councillors representing the electoral divisions covered by the area board, as set out in schedule 1.~~

4.8 The following representatives will also participate in area boards :

- An elected representative from each town or parish council within the area covered by the area board as shown in schedule 1;
- Representatives from the following groups and organisations:
 - Local neighbourhood policing team (inspector with a sergeant as deputy);
 - ~~Wiltshire National Health Service~~ Clinical Commissioning Group;
 - Housing Association or housing officer;
 - Community Area Partnership and/or other groups representative of the local community;
 - ~~Community area young people's issues group~~;
 - Wiltshire Fire and Rescue Service;
 - Local Youth Network;
 - Campus Operation Group (or equivalent).
- Other participants from the local community including (but not limited to) any of the following groups: the military, users groups such as the Wiltshire and Swindon User Group, Wiltshire Involvement Network Healthwatch, partnership boards, minority ethnic groups, older people's groups, colleges, school councils, governors, local businesses, Chamber of Commerce, cultural organisations, Area of Outstanding Natural Beauty groups.

4.9 The chairman and vice-chairman of an area board will be appointed at the first meeting of an area board, which takes place after the annual meeting of the Council, by the unitary councillors on each area board, ~~except in an election year where after the first meeting of Full Council a special meeting of each area board will take place to appoint a chairman and a vice-chairman.~~

4.9.1 The outgoing chairman unless he or she is seeking re-election will preside over the election. If the chairman is seeking re-election, the vice-chairman will preside.

4.9.2 The person presiding will call for nominations for the position of chairman of the area board. A councillor's nomination must be seconded to be valid. A councillor shall not be nominated in his/her absence without their written consent.

4.9.3 In the event of only one valid nomination being received the person presiding will declare the nominated councillor elected.

4.9.4 In the case of two valid nominations the Chairman will ask for a show of hands from those councillors in favour of each councillor and declare the candidate receiving the majority of votes of the councillors present and voting, to be the winner.

4.9.5 In the case of an equality of votes for the two candidates, the person presiding may exercise his or her right to use a casting vote to determine the winner of the election and then declare the result.

4.9.6 In the case of three or more valid nominations being made, the person presiding will call for a show of hands for each of the candidates. The person

presiding will then announce the candidate with the least number of votes and that candidate will be eliminated (in the case of a tie for the least number of votes, the person presiding may exercise his or her right to use a casting vote to determine which candidate to be eliminated). A further vote shall be taken for the remaining candidates and after each vote the candidate with the least number of votes shall be eliminated until only two candidates remain and a final vote taken.

- 4.9.7 The newly elected Chairman of the Area Board shall then preside over the election of the Vice Chairman in the manner described above.
- 4.9.8 With the exception of an election year, the chairman and vice-chairman of an area board shall remain in post until their successors are appointed.
- 4.10 A member of Wiltshire Council's Cabinet will attend those area boards which do not have a Cabinet member as a standing member of the area board. Cabinet members attending the area board will not have voting rights. For the avoidance of doubt a Cabinet member is entitled to vote as a standing member of the area board in which their electoral division is located.
- 4.11 An Associate Director from Wiltshire Council will be assigned to an area board and Corporate Directors will attend as and when required. Their role is to advise and assist the area board.
- 4.12 No substitutes are permitted for unitary councillors on area boards.
- 4.13 The Pewsey and Tidworth Area Committee will appoint a named deputy for each of the three unitary councillors on the Pewsey Area Board and the Tidworth Area Board, drawn from the Tidworth Area Board and the Pewsey Area Board respectively.

Voting

- 4.14 Only the elected unitary councillors on the area board may vote on matters involving the discharge of executive functions within the scope of the delegation to area boards set out below.
- 4.15 Voting is by a majority of the voting members present. The chair of the area board has the casting vote.
- 4.16 Area boards will seek to reach decisions by consensus, where possible involving all participants. The area board may decide to test opinion by a show of hands before the unitary councillors make their decision.

Quorum

- 4.17 The quorum for each area board is one quarter of its total voting membership, subject to a minimum number of three voting members.

Delegation

- 4.18 Decisions involving the discharge of executive functions will be made by the local area board, provided the decision does not:
- Have a significant impact outside of the area concerned;
 - Have a significant impact on the overall resources of the Council;
 - Contradict any policy or service standard set by the Council;

- Involve the taking of regulatory or quasi-judicial decisions;
 - Relate to the exercise of functions in respect of any particular person, including any individual member of staff.
- 4.19 Area boards must operate within the Council's Budget and Policy Framework and in accordance with the requirements of this Constitution.
- 4.20 Each area board will receive delegated funding as determined from time to time by the Leader.
- 4.21 Area boards will allocate their delegated funds in accordance with any rules and guidance issued by the Leader.
- 4.22 For the avoidance of doubt the delegation arrangements for area boards will operate in conjunction with the scheme of delegation to Cabinet members and the Council's scheme of delegation to officers.
- 4.23 Area boards will be consulted on the development of strategic policies to make sure that local priorities and concerns are taken into account. The area boards will also be consulted where significant changes, reductions or closures of a service are planned in their area.
- 4.24 Any key decision or policy proposal of the Council that has, or is likely to have, a significant impact in the local area will be discussed with the area board.
- 4.25 Area boards must not be directly involved in deciding planning applications. However, they should be involved in the following in relation to their area:
- Consideration of the benefits of larger developments;
 - Pre-application discussions relating to major developments;
 - Consideration of planning briefs;
 - Development of Local Development Framework policies.

Procedure Rules and Guidance

- 4.26 Area boards will follow any procedure rules and guidance as issued from time to time by the Leader.

Access to Information

- 4.27 Area Boards are subject to the Access to Information Procedure Rules in Part 5 of this Constitution.

5. Wiltshire Police and Crime Panel

Terms of Reference

- 5.1 To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 5.2 To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.

- 5.3 To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 5.4 To review and make a report on the proposed appointment of the Chief Constable.
- 5.5 To review and make a report and recommendation (as necessary) on the proposed precept.
- 5.6 To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 5.7 To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 5.8 To support the effective exercise of the functions of the Police and Crime Commissioner.
- 5.9 To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 5.10 To appoint an Acting Police and Crime Commissioner if necessary.
- 5.11 To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

Procedure Rules and Panel Arrangements

- 5.12 The Police and Crime Panel Procedure Rules and Panel Arrangements are set out in Protocol [].

Comment [a12]: See new protocol

6. Health and Wellbeing Board

Composition

Voting members

- The Leader of the Council
- Wiltshire Council Cabinet representatives with responsibility for Children, Adults and Public Health
- 1 Member of the Opposition representative
- 4 representatives from the CCG
- 1 representative from Healthwatch
- 1 Police and Crime Commissioner (PCC)
- 1 NHS England representative

Non-voting members

- Wiltshire Council officers with statutory responsibility for Children, Adults and Public Health services
- Chief Officer / Chief Finance Officer of the Clinical Commissioning Group
- Acute Hospital Trusts representatives (Salisbury Hospital FT, Great Western Hospital FT and Bath RUH FT)
- 1 South West Ambulance Service (SWAS) representative
- 1 Avon and Wiltshire Mental Health Partnership (AWP) representative
- 1 Wiltshire Police Chief Constable representative
- ~~1 Member of the Opposition representative~~
- ~~1 Wessex Medical Committee representative~~
- Wiltshire Council portfolio holder for Adult Care and Public Health

In addition the NHS Commissioning Board must appoint a representative for the purposes of participating in the preparation of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy and will join the Board when it is considering these matters.

Voting

Voting is by a majority of the voting members present. The chair of the board has the casting vote. However, the board will seek to reach decisions by consensus, where possible involving all participants.

Roles and Functions

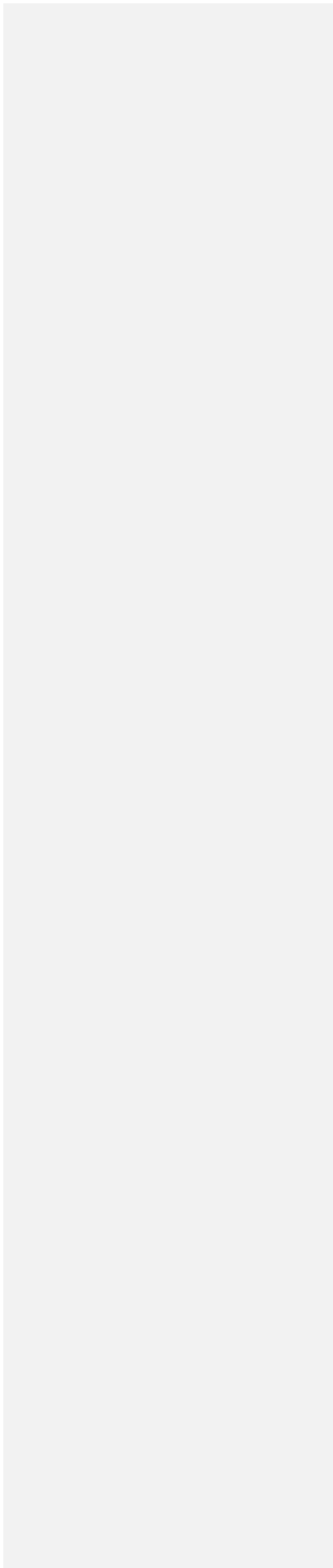
The statutory functions of the Health and Wellbeing Board contained within the Health and Social Care Act 2012 are:-

- to prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- a duty to encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under Section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- a power to encourage close working between commissioners of health related services and the board itself.
- a power to encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services

Full Council reserves the right to delegate any other additional functions under section 196(2) of the Health and Social Care Act 2012.

Access to Information

The Health and Well-Being Board is subject to the Access to Information Procedure Rules in Part 5 of this Constitution.



PART 3 SECTION B

SCHEDULE 1

AREA BOARDS: ELECTORAL DIVISION AND PARISH ALLOCATIONS

Amesbury Area Board

Electoral Divisions 6

Amesbury East ED	Figcheldean CP
Amesbury West ED	Great Wishford CP
Till & Wylve Valley ED	Idmiston CP
Durrington & Larkhill ED	Milston CP
Bulford, Allington & Figcheldean ED	Newton Tony CP
Bourne & Woodford Valley ED	Orcheston CP

Parishes

Allington CP	Shrewton CP
Amesbury CP	Stapleford CP
Berwick St. James CP	Steeple Langford CP
Bulford CP	Tilshead CP
Cholderton CP	Wilsford cum Lake CP
Durnford CP	Winterbourne CP
Durrington CP	Winterbourne Stoke CP
	Woodford CP
	Wylve CP

Bradford on Avon Area Board

Electoral Divisions 4

Holt & Staverton ED	Winsley CP
Winsley & Westwood ED	Monkton Farleigh CP
	Bradford-on-Avon CP

Bradford on Avon North ED

Holt CP

Bradford on Avon South ED

South Wraxall CP

Wingfield CP

Parishes

Westwood CP

Limpley Stoke CP

Staverton CP

Calne Area Board

Electoral Divisions 5

Parishes

Calne Rural ED

Calne without CP

Calne North ED

Bremhill CP

Calne Chilvester & Abberd ED

Hilmarton CP

Calne Central ED

Heddington CP

Calne South & Cherhill ED

Cherhill CP

Compton Bassett CP

Calne CP

Chippenham Area Board

Electoral Divisions 10

North Wraxall CP

By Brook ED

Chippenham CP

Chippenham Cepen Park & Derriads ED

Chippenham without CP

Chippenham Cepen Park & Redlands ED

Langley Burrell without CP

Chippenham Hardenhuish ED

Nettleton CP

Chippenham Monkton ED

Castle Combe CP

Chippenham Queens and Sheldon ED

Kington St. Michael CP

Chippenham Hardens and England ED

Kington Langley CP

Chippenham Lowdon and Rowden ED	Stanton St. Quintin CP
Chippenham Pewsham ED	Hullavington CP
Kington ED	Sutton Benger CP
	Seagry CP
Parishes	Yatton Keynell CP
Grittleton CP	Christian Malford CP
Biddestone CP	

Corsham Area Board

Electoral Divisions 4	Parishes
Box and Colerne ED	Box CP
Corsham Pickwick ED	Colerne CP
Corsham without & Box Hill	Corsham CP
Corsham Town ED	Lacock CP

Devizes Area Board

Electoral Divisions 7	Cheverell Parva
Bromham, Rowde and Potterne ED	Devizes CP
Devizes & Roundway South ED	Easterton CP
Devizes East ED	Erlestoke CP
Devizes North ED	Etchilhampton CP
Roundway ED	Market Lavington CP
The Lavingtons & Erlestoke ED	Marston CP
Urchfont & The Cannings ED	Potterne CP
	Roundway CP
Parishes	Rowde CP
All Cannings CP	Stert CP
Bishops Cannings CP	Urchfont CP
Bromham CP	West Lavington CP

Cheverell Magna

Worton CP

Malmesbury Area Board

Electoral Divisions 4

Brinkworth ED

Malmesbury ED

Minety ED

Sherston ED

Great Somerford CP

Hankerton CP

Lea and Cleverton CP

Leigh CP

Little Somerford CP

Luckington CP

Parishes

Ashton Keynes CP

Brinkworth CP

Brokenborough CP

Charlton CP

Crudwell CP

Dauntsey CP

Easton Grey CP

Malmesbury CP

Minety CP

Norton CP

Oaksey CP

Sherston CP

Sopworth CP

St. Paul Malmesbury without CP

Marlborough Area Board

Electoral Divisions 4

Aldbourn & Ramsbury ED

Marlborough East ED

Marlborough West ED

West Selkley ED

East Kennett CP

Froxfield CP

Fyfield CP

Marlborough CP

Mildenhall CP

Ogbourne St. Andrew CP

Parishes

Aldbourn CP

Avebury CP

Ogbourne St. George CP

Preshute CP

Ramsbury CP

Baydon CP

Savernake CP

Berwick Bassett CP

West Overton CP

Broad Hinton CP

Winterbourne Bassett CP

Chilton Foliat CP

Winterbourne Monkton CP

Melksham Area Board

Electoral Divisions 6

Melksham Central ED

Melksham North ED

Melksham South ED

Melksham without North ED

Melksham without South ED

Summerham and Seend ED

Parishes

Atworth CP

Broughton Gifford CP

Bulkington CP

Great Hinton CP

Keevil CP

Melksham CP

Melksham without CP

Poulshot CP

Seend CP

Semington CP

Steeple Ashton CP

Pewsey Area Board

Electoral Divisions 3

Pewsey Vale ED

Pewsey ED

Burbage & The Bedwyns ED

Patney CP

Pewsey CP

Rushall CP

Stanton St. Bernard CP

Upavon CP

Parishes

Alton CP

Beechingstoke CP

Wilcot CP

Wilsford CP

Woodborough CP

Charlton CP	Wootton Rivers CP
Chirton CP	Burbage CP*
Easton CP	Buttermere CP*
Huish CP	Grafton CP*
Manningford CP	Ham CP*
Marden CP	Great Bedwyn CP*
Milton Lilbourne CP	Little Bedwyn CP*
North Newnton CP	Shalbourne CP*

Salisbury Area Board

Electoral Divisions 8

Salisbury Fisherton & Bemerton Village ED	Salisbury St Martin's & Cathedral ED
Salisbury Bemerton ED	Salisbury St Paul's ED
Salisbury Harnham ED	
Salisbury St Edmund & Milford ED	Parish
Salisbury St Francis & Stratford ED	Salisbury CP
Salisbury St Mark's & Bishopdown ED	(including part of Laverstock & Ford CP)

South West Wiltshire Area Board
--

Electoral Divisions 5

	East Knoyle CP
Fovant & Chalke Valley ED	Ebbesborne Wake CP
Mere ED	Fonthill Bishop CP
Nadder & East Knoyle ED	Fonthill Gifford CP
Tisbury ED	Fovant CP
Wilton & Lower Wylde Valley ED	Hindon CP
	Kilmington CP
Parishes	Mere CP
Alvediston CP	Netherhampton CP

Ansty CP	Quidhampton CP
Barford St. Martin CP	Sedgehill and Semley CP
Berwick St. John CP	South Newton CP
Berwick St. Leonard CP	Stourton with Gasper CP
Bishopstone CP	Stratford Toney CP
Bower Chalke CP	Sutton Mandeville CP
Broad Chalke CP	Swallowcliffe CP
Burcombe without CP	Teffont CP
Chicklade CP	Tisbury CP
Chilmark CP	Tollard Royal CP
Compton Chamberlayne CP	West Knoyle CP
Dinton CP	West Tisbury CP
Donhead St. Andrew CP	Wilton CP
Donhead St. Mary CP	Zeals CP

Southern Wiltshire Area Board

Electoral Divisions 5

Alderbury & Whiteparish ED	Downton CP
Downton & Ebbel Valley ED	Firsdawn CP
Laverstock, Ford and Old Sarum ED	Grimstead CP
Redlynch & Landford ED	Landford CP
Winterslow ED	Laverstock and Ford CP
	Odstock CP

Parishes

Alderbury CP	Pitton and Farley CP
Britford CP	Redlynch CP
Clarendon Park CP	West Dean CP
Coombe Bissett CP	Whiteparish CP
	Winterslow CP

Tidworth Area Board

Electoral Divisions: 3

The Collingbournes & Netheravon ED
Ludgershall & Perham Down ED
Tidworth ED

Netheravon CP
Tidcombe and Fosbury CP
Tidworth CP

Parishes

Chute CP
Chute Forest CP
Ludgershall CP
Collingbourne Ducis CP
Collingbourne Kingston CP
Enford CP
Everliehg CP
Fittleton CP

Trowbridge Area Board

Electoral Divisions 9

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

Parishes

Hilperton CP
North Bradley CP
Southwick CP
Trowbridge CP
West Ashton CP

Warminster Area Board

Electoral Divisions 5

Waminster without ED
Warminster Broadway ED
Warminster Copheap and Wylie ED
Warminster East ED
Warminster West ED

Codford CP
Corsley CP
Heytesbury CP
Homingsham CP
Kingston Deverill CP
Knook CP
Longbridge Deverill CP
Maiden Bradley with Yarnfield CP
Norton Bavant CP
Sherrington CP
Stockton CP
Sutton Veny CP
Upton Lovell CP
Upton Scudamore CP
Warminster CP

Parishes

Bishopstrow CP
Boyton CP
Brixton Deverill CP
Chapmanslade CP
Chitterne CP

Westbury Area Board**Electoral Divisions 4**

Ethandune ED
Westbury East ED
Westbury North ED
Westbury West ED

Parishes

Bratton CP
Coulston CP
Dilton Marsh CP
Edington CP
Heywood CP
Westbury CP

Royal Wootton Bassett and Cricklade Area Board**Electoral Divisions 6**

Cricklade and Latton ED
Lyneham ED

Parishes

Braydon CP
Broad Town CP

Purton ED

Wootton Bassett East ED

Wootton Bassett North ED

Wootton Bassett South ED

Clyffe Pypard CP

Cricklade CP

Latton CP

Lydiard Millicent CP

Lydiard Tregoze CP

Lyneham and Bradenstoke CP

Marston Maisey CP

Purton CP

Tockenham CP

Royal Wootton Bassett CP

PART 3 SECTION C

DELEGATION OF EXECUTIVE FUNCTIONS

1. The Leader will decide how arrangements for the discharge of cabinet functions are to be exercised except insofar as they are already set out in the cabinet arrangements adopted by the Council.

This scheme of delegation records the arrangements made by the Leader or the Cabinet for the discharge of executive functions by:

- The Cabinet as a whole
- a committee of the Cabinet
- an individual member of the Cabinet
- an Area Board
- an officer
- joint arrangements or
- another local authority.

Cabinet as a whole

In accordance with the terms of reference of Cabinet as set out at paragraph 3 of Part 3 of this Constitution, the Leader either directly or through Cabinet will carry out within the Council's Budget and Policy Framework all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under this Constitution.

Cabinet is defined at Article 7 of Part 2 of this Constitution. The procedure rules governing meetings of cabinet are set out at Part 7 of this Constitution.

A Committee of the Cabinet

The Leader may appoint a committee of the Cabinet for the discharge of executive functions.

To date the following cabinet committees have been appointed:

- **Cabinet (Capital Assets) Committee**
Membership and terms of reference details as set out in Appendix 1
- **Cabinet (Business Rates Relief) Committee**
Membership and terms of reference details as set out in Appendix 1
- **Cabinet Transformation Committee**
Membership and terms of reference details as set out in Appendix 1

An individual member of the Cabinet

Cabinet members may exercise any executive functions within their allocated areas of responsibility, as set out in Appendix 2. [The monitoring officer has delegated authority to amend Appendix 2 from time to time to reflect the decision of the Leader.](#)

This does not include executive functions which are specifically reserved to the Council, the Leader and/or Cabinet, or officers.

In exercising delegated functions cabinet members must have regard to the Leader's Protocol for individual decision making, Protocol 5 of this Constitution which promotes good practice and ensures transparency and consistency in the decision making process.

Cabinet members may in consultation with the Leader refer matters to the Cabinet for decision if they consider that it is more appropriate to do so.

Where a Cabinet Member is unable to act because of absence, a conflict of interest or any other reason, the Leader may nominate another member of the Cabinet to exercise the function on their behalf.

An Area Board

This scheme of delegation records the arrangements made by the Leader for the discharge of executive functions by each of the 18 Area Boards constituted in accordance with paragraph 4 of Part 3 Section B of this Constitution

Area Boards may exercise the following executive functions within their geographical areas of responsibility subject to compliance with paragraph 4.17 – 4.24 of Part 3 Section B of this Constitution and specifically:

- The approval of applications from community and voluntary groups and town and parish councils for grant funding through the Area Boards grant scheme.
- The approval of applications for the disposal of non-strategic assets with a value below £250,000 provided that each application is supported by robust and appropriate business cases that benefit local communities in accordance with the council's Community Asset Transfer Policy.

Officers

The discharge of executive functions as delegated by the Leader having regard to the Scheme of Delegation to Officers as set out at Part 3 Section D of this Constitution.

Joint Arrangements

The discharge of executive functions under joint arrangements with one or more local authority as described at Article 12.2 of Part 2 of this constitution.

Another local authority

Cabinet may delegate cabinet functions to another local authority or the cabinet of another local authority in certain circumstances as described at Article 12.4 of Part 2 of this Constitution.

Those delegated to take decisions within this scheme of delegation must:

- act within the council's Budget and Policy Framework
- comply with the council's Constitution, including particularly its Financial Regulations and Procedure Rules (Part 9) and Procurement and Contract Rules (Part 10), and all relevant legislation, guidance and codes of practice
- follow the principles of decision making in Article 14.2 of Part 2 of this constitution.
- consider the implication of any council policy, initiative, strategy or procedure
- consider the staffing, financial, legal and environmental implications of any proposal
- consider the assessment of any risks associated with a proposal in accordance with the council's risk management strategy

This scheme may be varied at any time in accordance with paragraph 9 of the Cabinet Procedure Rules (Part 7).

Part 3 Section C

Delegation of Executive Functions

Appendix 1

Cabinet Committees

Cabinet Capital Assets Committee

Membership:

- Cllr Jane Scott OBE – Leader of the Council
- Cllr John Thomson – Cabinet Member for Highways and Streetscene and Broadband
- Cllr Fleur de Rhé-Philipe – Cabinet Member for Economy Skills and Transport
- Cllr Toby Sturgis – Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste
- Cllr R Tonge – Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform

The Leader may nominate any of the remaining members of Cabinet as listed below to serve on the committee as a voting substitute:

Cllr Keith Humphries

Cllr Laura Mayes

Cllr Jonathon Seed

Cllr Stuart Wheeler

Other Cabinet members and non-executive members may attend meetings of the committee as relevant to the subject matter, but will not be entitled to vote.

Key strategic partners involved in the transformation programme, such as the Police and Crime Commissioner and the Clinical Commissioning Group, will be invited to nominate representatives to attend meetings of the Transformation committee in a non-voting capacity.

Quorum:

The Quorum is three members.

Purpose:

The Board will increase the political visibility of and accountability for the coordination and use of all capital assets. This will include and serve to develop a wide range of mechanisms for delivering the financial strategy, including partnership work.

Authority:

To discharge the executive functions of the council with regard to the management of capital assets.

Terms of Reference:

1. The Capital Assets Committee, in respect of all assets owned funded or occupied by Wiltshire Council, will be responsible for:

1.1 Developing the corporate strategy;

1.2 Delivering the council's business plan insofar as it relates to or requires the acquisition, management and disposal of capital assets;

1.3 Authorising the acquisition and disposal of real property assets by any means, including – but not restricted to – freehold property [\(this responsibility runs concurrently with the officer scheme of delegation\)](#); and

1.4 Preparing the council's capital programme for consideration by the cabinet and monitoring and ensuring the delivery of that programme,

Within the existing executive functions of the Cabinet and, for the avoidance of doubt, without rescinding any existing delegations.

2. In order to achieve this the Committee will

2.1 Receive and monitor reporting information from the Workplace Transformation Programme Board regarding the delivery of that programme;

2.2 Support the delivery of the economic development strategy, and take a strategic overview of the town 'vision' statements for Chippenham, Salisbury and Trowbridge;

2.3 Strategic overview of the council's policy on Section 106 funding and the use of the funds;

2.4 Work within the framework set by the council's financial strategy and Constitution;

2.5 Ensure enhanced visibility of all capital asset transactions and budget monitoring for capital spend by Wiltshire Council;

2.6 Advise the Cabinet as necessary on future capital projects and their impacts on the council's revenue budget; and

2.7 Investigate other mechanisms for the delivery and coordination of council capital assets.

Frequency of meetings:

Every two months, with authority to hold additional ad hoc formal meetings as merited.

Cabinet (Transformation) Committee

Membership

- Cllr Jane Scott OBE - Leader of the Council
- Cllr John Thomson - Deputy Leader and cabinet member for highways and streetscene and broadband
- Cllr Jonathon Seed - Cabinet member for communities, campuses, area boards, leisure, libraries and flooding
- Cllr Stuart Wheeler - Cabinet member for hubs, heritage and arts, governance (including information management), support services (HR, legal, ICT, business services, democratic services)
- Cllr Dick Tonge - Cabinet member for finance, performance, risk, procurement and welfare reform

The Leader may nominate any of the remaining members of cabinet as listed below to serve on the committee as a voting substitute:

- Cllr Keith Humphries
- Cllr Laura Mayes
- Cllr Toby Sturgis
- Cllr Fleur de Rhé-Philippe

Other cabinet and non-executive elected members may attend meetings of the committee as relevant to the subject matter, but will not be entitled to vote. Key strategic partners involved in the transformation programme, such as the Police and Crime Commissioner and the Clinical Commissioning Group, will be invited to nominate representatives to attend meetings of the Transformation Committee in a non-voting capacity.

Purpose

To discharge the executive functions of the council with regard to the implementation of the transformation programme.

The Transformation Committee will be responsible for all policy decisions relating to the implementation of the transformation programme, as agreed by the Leader.

The appointment of this committee will:

- increase political visibility, transparency and accountability in relation to the implementation of the transformation programme
- enhance the efficiency and effectiveness of the decision making process in this area
- facilitate increased partnership working with our strategic partners within the transformation programme.

The Cabinet Capital Assets Committee will be responsible for decisions that relate to the use of the Council's assets in relation to the delivery of the transformation programme.

Cabinet (Business Rates Relief) Committee

Membership:

Any three members of the Cabinet appointed by the Proper Officer

Quorum:

The quorum is three members.

Purpose and Authority:

To determine applications for business rates relief where the rate relief applied for is in excess of £10,000 in accordance with the council's Hardship Rate Relief Application and Assessment Protocol.

Note: An Appeals Panel of the Appeals Committee will determine cases where an application has been rejected and an appeal by the ratepayer is lodged.

Frequency of meetings:

As and when required

Part 3 Section C

Delegation of Executive Functions

Individual members of Cabinet

Appendix 2

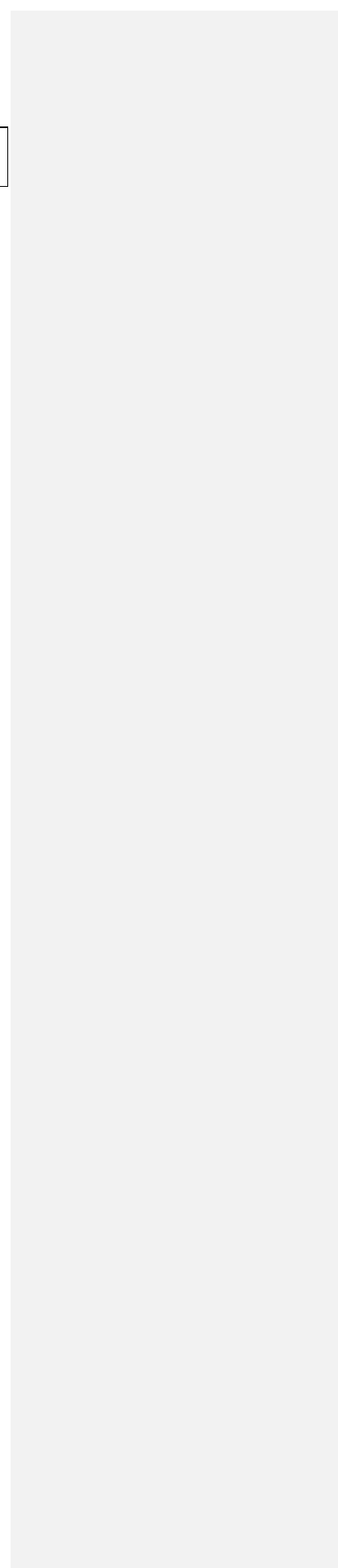
Cabinet Member	Responsibilities	Cabinet Member(s)
<p>Leader</p> <p><u>Communications, Customer Care and Systems Thinking</u></p>	<ul style="list-style-type: none"> ○ <u>Setting strategic direction</u> ○ <u>Ensuring the needs and aspirations of Wiltshire people are known</u> ○ <u>Management initiatives</u> ○ <u>Identifying priorities and setting targets</u> ○ <u>Setting priorities</u> ○ <u>Communication policy</u> ○ <u>Promoting the council</u> ○ <u>Relationships with other political group leaders and the chairman of the council</u> ○ <u>Business transformation (systems thinking/lean)</u> <p><u>Customer care</u></p>	<p><u>Cllr Jane Scott OBE</u> <u>Bybrook</u></p> <p><u>Correspondence address:</u> <u>Leader of the Council</u> <u>Wiltshire Council</u> <u>Bythesea Road</u> <u>Trowbridge</u> <u>BA14 8JN</u></p>
<p>Deputy Leader</p> <p>Highways and Streetscene and Broadband</p>	<ul style="list-style-type: none"> ○ <u>Highways maintenance and improvements</u> ○ <u>Rights of way</u> ○ <u>Public conveniences</u> ○ <u>Grounds and open space management including allotments</u> ○ <u>Cemeteries and markets</u> ○ <u>Broadband</u> ○ <u>Litter and cleansing</u> 	<p><u>Cllr John Thomson</u> <u>Sherston</u> <u>Correspondence address:</u> <u>Wiltshire Council</u> <u>Bythesea Road,</u> <u>Trowbridge</u> <u>BA11 8JN</u></p>

	<p><u>activities and environmental enforcement including abandoned vehicles, fly tipping etc</u></p> <ul style="list-style-type: none"> ○ <u>Traffic management including car parking, road safety and passenger transport</u> 	
Finance, Performance, Risk, Procurement and Welfare Reform	<ul style="list-style-type: none"> ○ <u>Finance</u> ○ <u>Probity and financial management</u> ○ <u>Housing benefit</u> ○ <u>Welfare Reform</u> ○ <u>Council tax</u> ○ <u>Performance</u> ○ <u>Risk</u> ○ <u>Pensions</u> ○ <u>Audit</u> ○ <u>Procurement and commissioning</u> 	<p><u>Cllr Richard (Dick) Tonge</u> <u>Corsham Without and Box Hill</u> <u>Correspondence address:</u> <u>Wiltshire Council</u> <u>Bythesea Road,</u> <u>Trowbridge</u> <u>BA11 8JN</u></p>
Children's Services	<ul style="list-style-type: none"> ○ <u>Performance of children's social services including child protection, fostering and adoption, children's homes and special educational needs</u> ○ <u>Relations with other organisations, especially the health service and voluntary organisations regarding children's services</u> ○ <u>Partnership with Wiltshire's school governors and headteachers on education matters including school performance and funding, curriculum, buildings and admissions</u> <p>Performance of the youth</p>	<p><u>Cllr Laura Mayes</u> <u>Roundway</u> <u>Correspondence address:</u> <u>Wiltshire Council</u> <u>Bythesea Road,</u> <u>Trowbridge</u> <u>BA11 8JN</u></p>

	development service and early years provision and youth justice	
Public Health, Protection Services, Adult Care and Housing (excluding strategic housing)	<ul style="list-style-type: none"> ○ Performance of adult care services including services for people with learning disability, mental health problems or a physical impairment and for older people ○ Relations with other organisations, especially the health service and voluntary organisations regarding social care services ○ The Supporting People Programme ○ Public health ○ Community safety ○ Environmental health ○ Trading standards ○ Licensing ○ Emergency planning ○ Housing 	<p>Cllr Keith Humphries Warminster Broadway Correspondence address: Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>
Economy Skills and Transport	<ul style="list-style-type: none"> ○ Economic development ○ Tourism ○ Performance and strategy for transport including the Local Transport Plan and related strategies and policies ○ Local Economic Partnership 	<p>Cllr Fleur de Rhé-Philippe Warminster Without Correspondence address: Wiltshire Council Bythesea Road, Trowbridge BA11 8JN</p>
Strategic Planning, Development Management, Strategic Housing, Property, Waste	<ul style="list-style-type: none"> ○ Performance of waste management including collection, disposal and recycling and property management including county farms ○ Performance of countryside 	<p>Cllr Toby Sturgis Brinkworth Correspondence address: Wiltshire Council Bythesea Road Trowbridge</p>

	<p>management and the provision of gypsy and traveller services</p> <ul style="list-style-type: none"> ○ Climate change and carbon trading ○ Development management services including planning enforcement and conservation ○ Strategic Housing ○ Strategic planning including the Local Development Framework ○ Wiltshire and Swindon minerals and waste local plans 	<p>BA14 8JN</p>
<p>Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, legal, ICT, business services, democratic services)</p>	<ul style="list-style-type: none"> ○ Cultural development including heritage, museums and arts ○ Governance including information management ○ Registration service and coroners ○ Human resources and organisational development ○ Equalities and diversity ○ Legal ○ ICT ○ Business Services ○ Democratic Services ○ Councillor development 	<p>Cllr Stuart Wheeler Burbage and the Bedwyns Correspondence address: Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>
<p>Communities, Campuses, Area Boards, Leisure, Libraries and Flooding</p>	<ul style="list-style-type: none"> ○ Community development in local areas including area boards ○ Campus development ○ Leisure and sports ○ Libraries Flooding 	<p>Cllr Jonathon Seed Summerham and Seed Division Correspondence address: Wiltshire Council Bythesea Road</p>

		Trowbridge BA14 8JN
--	--	--



PART 3 SECTION D **SCHEME OF DELEGATION TO OFFICERS**

This Section should be read in conjunction with the Principles set out in Part 3 Section A.

D1. SCHEME OF DELEGATION

1. Scheme of Delegation to Directors
2. Decision Making
3. Record Keeping
4. Emergency Powers
5. Solicitor to the Council

D2. SCHEME OF SUB DELEGATION

D3. SCHEME OF DELEGATION SPECIFIC TO PLANNING

D4. SCHEME OF DELEGATION SPECIFIC TO LICENSING

SCHEDULE 1. INDEMNITY TO STAFF

SECTION D1

SCHEME OF DELEGATION

1. Scheme of Delegation to Directors

- 1.1 This Scheme of Delegation authorises the Directors to exercise the functions of Wiltshire Council as set out in this document. It repeals and replaces all previous schemes of delegation.
- 1.2 This scheme is without prejudice to the exercise of the council's functions by the Council, the Cabinet, and the Council's Committees, Sub-Committees and Panels.
- 1.3 Full Council, its Committees and the Cabinet will make decisions on matters of significant policy. The Directors have express authority to take all necessary actions to implement Council, Committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.4 In relation to all delegated authority conferred on the Directors by this scheme, the Corporate Directors may allocate or re-allocate responsibility for exercising particular powers to any officer of the council in the interests of effective corporate management as he or she thinks fit.
- 1.5 Where a Director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Corporate Directors. This nomination should be formally recorded in writing.
- 1.6 The Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection pursuant to section 100G Local Government Act 1972.
- 1.7 Without prejudice to the generality of the foregoing, the Directors shall have the power:
 - a. To take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy **and to comply with statutory obligations** within their areas of responsibility and within approved budget. This shall include, but not exhaustively:
 - Invitation and acceptance of tenders
 - Submission of bids for funding
 - Write-off of irrecoverable debts
 - Virement (within the budget framework)
 - Disposal and acquisition of assets
 - Service and placing of any necessary statutory or other notices (other than those expressly reserved to Full Council, Committee or Cabinet)

Comment [a13]: Clarification that directors are empowered to take action to ensure compliance with statutory obligations within their area of responsibility.

- After consultation with the Solicitor to the Council, authorising the institution, defence, settlement or participation in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council;
- b. To put in place management arrangements, which define the area of responsibility of all officers under their service area.
 - c. To determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Paid Service after consultation with the other Corporate Directors and conformance with Council policies and the Finance Regulations and Procedure Rules (Part 9).
 - d. To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.
- 1.8 Any member of the Council may request that decisions taken by officers under delegated powers are scrutinised by the appropriate overview and scrutiny committee.
 - 1.9 For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Corporate Directors after consultation with the Monitoring Officer.
 - 1.10 The council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her as set out in Schedule 1.

Comment [M14]: Members have wide discretion to request a decision of an officer to be scrutinised at overview and scrutiny committee. No time limits are set.

2. Decision Making

- 2.1 In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with paragraph 2.2 below, to use the most efficient and effective means available (including the deployment of staffing and other resources within their control and the procurement of other resources necessary) whether within or outside the Council.
- 2.2 In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:
 - a. A key decision should be taken in accordance with the relevant requirements as set out in this Constitution (Parts 1 and 2) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;

Comment [a15]: Inserted to refer to new legislation and to allow cross referencing.

- b. The views of the relevant Cabinet Member(s), Committee Chairman, Area Board(s) following the application of the consultation criteria set out in paragraph (c) below;
- c. Consideration of the Area Boards and delegated decision checklist for officers on the issue in deciding when and how to involve local councillors and Area Boards in decisions about local services;
- d. The implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases, consultation with officers, relevant Cabinet Members(s) or Committee Chairman from any affected portfolio and local members, where the issue relates to a specific area, should take place;
- e. Consultation in accordance with the Council's consultation strategy and the views emanating from that process;
- f. The range of available options;
- g. The staffing, financial and legal implications;
- h. The assessment of any associated risks in accordance with the Council's risk management strategy;
- i. The involvement of appropriate statutory officers and/or other Directors;
- j. The relevance of any regional or national guidance from other bodies;
- k. The Council's Constitution, including the Procurement and Contract Rules (Part 10) and the Financial Regulations and Procedure Rules (Part 9), all relevant guidance, legislation, codes of practice and protocols.

3. **Record Keeping**

3.1 In taking any Executive decision, the officer concerned must prepare a record of officer decision report setting out the following:

- a. A record of the decision including the date it was made;
- b. A record of reasons for the decision;
- c. Details of any alternative options considered and rejected by the officer when making the decision;
- d. A record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision;
- e. In respect of any declared conflict of interest, a note of dispensation

The record of officer decision must be made available, as soon as reasonably practicable, at the Council main hub offices and on its website unless it contains confidential information or exempt information as defined in the Regulations and set out in Part 5.

Comment [M16]: Inserted in accordance with new regulations.

3.2 In taking any Incidental decision, the officer concerned must consider whether a record of officer decision report is required having regard to guidance from the Monitoring Officer.

4. Emergency Powers

- 4.1 The Directors are empowered to take all necessary decisions in cases of emergency;
- 4.2 For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised.

5. Solicitor to the Council

- 5.1 The Solicitor to the Council is authorised:
 - a. To take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document;
 - b. To institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests;
 - c. To instruct counsel, solicitors and other experts in relation to legal proceedings, public inquiries, and other matters involving the Council;
 - d. To enter objections to any proposal affecting the county, the Council or the inhabitants of the county.

SECTION D2 SCHEME OF SUB DELEGATION

1. The Directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this Part 3 and Part 3 Section D1 by way of a Scheme of Sub Delegation.
2. Any decision pursuant to a Scheme of Sub Delegation must be taken in the officer's name for and on behalf of the Director.
3. The Directors are responsible for recording all delegations under this part, in writing, in such form as the Monitoring Officer may prescribe.
4. The Directors shall be responsible for ensuring that their Schemes of Sub Delegation are valid and up to date in line with guidance from the Monitoring Officer.
5. All Schemes of Sub Delegation must be recorded on the Register maintained by the Monitoring Officer. The Directors shall send updated Schemes of Sub Delegation to the Monitoring Officer as he/she directs.
6. Any decision taken by an Officer under a Scheme of Sub Delegation must be made in accordance with paragraph 2 of Part 3 Section D1 and recorded in as required in paragraph 3 of Part 3 Section D1.

Comment [a17]: Inserted for clarity.

PART 3 SECTION D SCHEDULE 1 INDEMNITY TO STAFF

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

Exceptions

- 1) The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:
 - a. Fraud, dishonesty or a criminal offence on the part of the employee;
 - b. Any neglect, error or omission by the employee otherwise than in the course of his duties;
 - c. Liability in respect of losses certified by the district auditor as caused by wilful misconduct.
- 2) The indemnity will not apply if an employee, without the written authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution, or where there is evidence that the employee had acted with reckless disregard for the consequences.
- 3) The indemnity is without prejudice to the right of the Council to take or institute disciplinary action against an employee in respect of any neglect, act, error or omission.

Part 3 Section D3

Scheme of Delegation Specific to Planning

1. The Associate Director, Economic Development and Planning Services (and any officers designated by that officer under a Scheme of Sub Delegation) is authorised 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, provided any such action does not overturn the substantive decision of the Planning Committee;
 - 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 in accordance with the provisions of the Town & Country Planning Acts;
 - enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act 1990);
 - 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 members' information;

- annually recommend to the budget process all planning fees and 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 and present an information report for acceptance by the relevant Planning Committee on a quarterly basis ;
- institute and defend judicial reviews and statutory challenges in consultation with the Associate Director, Legal and Governance.
- Make and serve Building Preservation Notices.
- determine whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee, after consultation with the relevant cabinet member.

With the following exceptions:

- 1.1 Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations.
- 1.2 Reference to Committee by Wiltshire Council Division Member

Division Members can request in writing/email that a planning application within their Division proceed to determination by way of an Area Planning 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 members 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
 - a member or their close relations;
 - a Director of the Council or their close relations; or
 - a planning officerand objections are received raising material planning considerations the application will be determined by a committee.

There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Associate Director, Economic Development and Planning Services 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.

1.3 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 Planning Committees;
- Any application that the Associate Director, Economic Development and Planning Services deems raises issues that should be considered by the Strategic 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 close relation is defined as spouse, partner, sibling, parent or offspring.

PART 3 SECTION D4

SCHEME OF DELEGATION SPECIFIC TO LICENSING

Licensing Act 2003: Table of Delegations of Licensing Functions

<u>Matter to be dealt with</u>	<u>Full Committee</u>	<u>Sub-Committee</u>	<u>Officers</u>
Application for personal licence with unspent convictions		If a police Objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application.
Application for provisional statement		If a relevant representation Made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary premises		If a relevant	If no relevant representation

licence/club registration certificate		representation Made	made or if representation made and all parties subsequently agree on a revised application
Application to vary designated personal licence holder		If a police Objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of a premises licence		If a police Objection	All other cases
Application for interim authorities		If a police Objection	All other cases
Application to review premises licence / club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases

Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a representation to a temporary event notices		All cases	

Gambling Act 2005: Table of Delegations of Licensing Functions

<u>Matter to be dealt with</u>	<u>FULL COUNCIL</u>	<u>Licensing Committee or Sub-Committee</u>	<u>Officers</u>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting – when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	

Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an interested party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious or repetitive			X

Table of Delegated Functions (approved 1 December 2009)

<u>Matter to be dealt with</u>	<u>Licensing Committee</u>	<u>Sub-Committee</u>	<u>Officers</u>
Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as required by the sex establishments policy)	The Licensing Committee or Sub Committee will determine any application	The Licensing Committee or Sub Committee will determine any application	
Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 (Consent street trading)	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	In all other cases
Powers to grant licences and permits under the following legislation: <ul style="list-style-type: none"> • Town Police Clauses Act 1847 as amended Sections 47, 57, 58, 60 and 79 of Local Government (Miscellaneous 	For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates' Court (except the imposition of penalty points under the licensing of hackney carriages, taxis and private hire operators, drivers and vehicles which will be dealt with by the appeals panel when sufficient points have been	For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates' Court (except the imposition of penalty points under the licensing of hackney carriages,	In all other cases

<p>Provisions) Act 1976 (Hackney carriages)</p> <ul style="list-style-type: none"> • Section 13 – 17 Local Government (Miscellaneous Provisions) Act 1982 (acupuncture, tattooing, ear piercing and electrolysis) • Performing Animals (regulation) Act 1925 • Zoo Licensing Act 1981 • House to house collections Act 1939 • Pet Animals Act 1951 • Animal Boarding Establishments Act 1963 • Riding Establishments Act 1964 and 1970 Breeding of Dogs Act 1973 • Breeding and Sale of Dogs (Welfare) Act 1999 • Dangerous Wild Animals Act 1976 • Lotteries and Amusements Act 1976 • Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous 	<p>accrued to warrant suspension of the licence).</p> <p>The Licensing Committee will determine any application made by an officer or member of the Council.</p>	<p>taxis and private hire operators, drivers and vehicles which will be dealt with by the appeals panel when sufficient points have been accrued to warrant suspension of the licence).</p>	
---	--	---	--

Provisions) Act 1982			
----------------------	--	--	--

Criminal Justice and Police Act 2001 and Violent Crime Reduction Act 2006

Table of Delegations of Licensing Functions

<u>Matter To Be Dealt With</u>	<u>FULL COUNCIL</u>	<u>Licensing Committee or Sub-Committee</u>	<u>Officers (Service Director Public Protection Services)</u>
Making Designated Public Places Orders (DPPOs)		X	

This page is intentionally left blank

Police and Crime Panel Procedure Rules and Panel Arrangements

1. Chairman Of The Police And Crime Panel:

- The chairman of the Police and Crime Panel will be appointed in June of each year or at the first meeting of the panel following the annual appointment of members to the panel by constituent councils. The chairman will be drawn from amongst the councillors sitting on the panel.
- The vice-chairman will be appointed in June of each year or at the first meeting of the panel following the annual appointment of members to the panel by constituent councils and will be drawn from amongst the councillors sitting on the panel.
- In the event of the resignation of the chairman or removal of the chairman, a new chairman will be appointed and will be drawn from amongst the councillors sitting on the panel.
- The chairman may be removed by the agreement of a majority of the whole membership of the panel and in that event the panel will appoint a replacement chairman from amongst the councillors sitting on the panel.
- The panel will elect a person to preside at a meeting if the chair and vice-chairman are not present.

2. Meetings Of The Police And Crime Panel:

- There shall be a minimum of four ordinary meetings of the Police and Crime Panel held in public in each municipal year to carry out the functions of the panel. In addition, extraordinary meetings may be called from time to time.
- An extraordinary meeting may be called by the chairman or by four members of the panel.
- An extraordinary meeting may also be called by the Monitoring Officer to the panel.
- Ordinary meetings will take place in accordance with a programme decided by the panel, and will start at the time decided by the panel.
- Ordinary meetings of the panel will:
 - receive any declarations of interest from members
 - approve the minutes of the last meeting
 - consider reports from officers and panel members
- Panel members will be notified of the time and place at least 5 clear working days before an ordinary meeting, and as soon as known in the event of an extraordinary meeting. Public notice of Panel meetings will be given in accordance with the normal arrangements for local authority meetings including the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

3. Quorum

- A meeting of the Police and Crime Panel cannot take place unless one third of the whole number of its members is present.

4. Voting

- Voting will normally be by a show of hands.
- All panel members may vote in the proceedings of the panel.
- All matters to be considered by the Police and Crime Panel shall be decided by a majority of the members of the Police and Crime Panel present and voting at the meeting. This will be done following the moving of a motion by any member of the Police and Crime Panel. A simple majority is required to confirm a decision, except in the specific circumstances of the PCP seeking to veto the Police and Crime Commissioner's proposed precept or the Police and Crime Commissioner's proposed appointment of a Chief Constable or as otherwise specified in these Procedure Rules.
- Any member may request a recorded vote and, if one quarter of the members present signifies its support, such a vote will be taken.
- In the event of a tie in voting, the Chairman of the meeting shall have a second or casting vote

5. Work Programme

- The Police and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the Police and Crime Panel will also take into account the wishes of its members.
- The work programme must include the functions described in the terms of reference for the panel.

6. Agenda Items

- The Panel agenda will be issued to Panel members at least 5 clear working days before the meeting. It will also be published on the Panel's website and by sending copies to each of the authorities and by any other means the panel considers appropriate.
- Any member of the Panel shall be entitled to give notice to the Head of Democratic Services at Wiltshire Council that he or she wishes an item relevant to the functions of the panel to be included on the agenda for the next available meeting.
- Items will be rejected where they do not relate to a matter for which the panel has a responsibility for, require confidential information to be disclosed or are deemed improper or inappropriate for the meeting. The Chairman will take this decision, and their decision is final.

7. Reports from the Police and Crime Panel

- Where the Police and Crime Panel makes a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- The Police and Crime Panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:

- Consider the report or recommendations.
- Respond to the Police and Crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take.
- Where the Police and Crime Panel has published the report or recommendations, publish the response.
- Where the Police and Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).
- If the Police and Crime Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

8. Police and Crime Commissioner and Officers Giving Account

- The Police and Crime Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any questions which appear to the panel to be necessary in order to carry out its functions.
- Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend the panel under this provision the chairman will inform them in writing giving, where practical, 15 days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the panel.
- If the Police and Crime Panel require the Police and Crime Commissioner to attend before the panel, the panel may (at reasonable notice) request the Chief Constable to attend before the panel on the same occasion to answer any questions which appears to the panel to be necessary in order for it to carry out its functions.

9. Attendance by others

- The Police and Crime Panel may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the panel and officers in other parts of the public sector and may invite such people to attend.

10. Sub-Committees and Task Groups

- Sub Committees or time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the panel or a task group.

- In this paragraph ‘special functions’ means the functions conferred on a Police and Crime Panel by:
 - Section 28(3) of Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan).
 - Section 28 (4) of Police Reform and Social Responsibility Act (scrutiny of annual report)
 - Paragraphs 10 and 11 of Schedule 1 of Police Reform and Social Responsibility Act (review of senior appointments).
 - Schedule 5 of Police Reform and Social Responsibility Act (issuing precepts)
 - Part 1 of Schedule 8 of Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).
- The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

11. Carrying Out ‘Special Functions’

Reports and recommendations made in relation to the special functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at Section 5.18

- Police and crime plan
 - The panel is a statutory consultee on the development of the Police and Crime Commissioner’s police and crime plan and will receive a copy of the draft police and crime plan, or a draft of any variation to it, from the Police and Crime Commissioner.
 - The panel must:
 - hold a public meeting to review the draft police and crime plan (or a variation to it), and
 - report or make recommendations on the draft plan which the PCC must take into account.
- Annual report
 - The Police and Crime Commissioner must produce an annual report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the panel for consideration.
 - The panel must comment upon the annual report of the Police and Crime Commissioner, and for that purpose must:
 - Arrange for a public meeting of the panel to be held as soon as practicable after the panel receives the annual report
 - require the Police and Crime Commissioner to attend the meeting to present the annual report and answer questions about the annual report as the members of the panel think appropriate
 - make a report or recommendations on the annual report to the PCC.
- Senior appointments
 - The panel has powers to review the Police and Crime Commissioner’s proposed appointments of Chief Constable, Chief Executive, Chief

Finance Officer and Deputy Police and Crime Commissioner. The panel is required to hold public confirmation hearings for these posts.

- The panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.
 - With regards to the appointment of the Chief Constable, the panel is required to hold a hearing within the period of three weeks from the day on which the panel receives notification from the Police and Crime Commissioner.
 - Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the panel is required to review the proposed appointment and make a report to the commissioner on the appointment.
 - For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
 - Having considered the appointment, the panel will be asked to either:
 - support the appointment without qualification or comment;
 - support the appointment with associated recommendations, or
 - veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).
 - If the panel vetoes the appointment of the candidate, the report to the commissioner must include a statement that the panel has vetoed the appointment with reasons.
- Appointment of an Acting Police and Crime Commissioner
 - The Police and Crime Panel must appoint a person to act as Police and Crime Commissioner if:
 - no person holds the office of Police and Crime Commissioner
 - the Police and Crime Commissioner is incapacitated, or
 - the Police and Crime Commissioner is suspended.
 - The Police and Crime Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
 - In appointing a person as acting commissioner in a case where the Police and Crime Commissioner is incapacitated, the Police and Crime Panel must have regard to any representations made by the commissioner in relation to the appointment.
 - The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:
 - the election of a person as Police and Crime Commissioner;
 - the termination by the Police and Crime Panel, or by the acting commissioner, of the appointment of the acting commissioner;

Note: this section may have to be varied in the light of Home Office Regulations expected in March on the exercise of the veto.

- in a case where the acting commissioner is appointed because the Police and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or
 - in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.
- Proposed precept
 - The Police and Crime Commissioner will notify the Police and Crime Panel of the precept which the commissioner is proposing to issue for the financial year. The panel must review the proposed precept and make a report including recommendations.
 - Having considered the precept, the Police and Crime Panel will either:
 - support the precept without qualification or comment;
 - support the precept and make recommendations, or
 - veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).
 - If the panel vetoes the proposed precept, the report to the commissioner must include a statement that the panel has vetoed the proposed precept with reasons. The panel will require a response to the report and any such recommendations.
 - Complaints
 - Criminal and non-criminal complaints in relation to the Police and Crime Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
 - Suspension of the Police and Crime Commissioner
 - A Police and Crime Panel may suspend the Police and Crime Commissioner if it appears to the panel that:
 - the commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
 - the offence is one which carries a maximum term of imprisonment exceeding two years.
 - The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:
 - the charge being dropped
 - the Police and Crime Commissioner being acquitted of the offence
 - the Police and Crime Commissioner being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or

- the termination of the suspension by the Police and Crime Panel.
 - In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:
 - an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
 - an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.
- Suspension and removal of the Chief Constable
 - The panel will receive notification if the Police and Crime Commissioner suspends the Chief Constable.
 - The Police and Crime Commissioner must also notify the panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.
 - The Police and Crime Commissioner must provide the panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
 - If the Police and Crime Commissioner is still proposing to call upon the Chief Constable to resign, she/he must notify the panel accordingly (the 'further notification').
 - Within six weeks from the date of receiving the further notification the panel must make a recommendation in writing to the Police and Crime Commissioner as to whether or not she/he should call for the retirement or resignation. Before making any recommendation the panel may consult the chief inspector of constabulary, and must hold a scrutiny meeting.
 - The scrutiny hearing which must be held by the panel is a panel meeting in private to which the Police and Crime Commissioner and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
 - The panel must publish the recommendation it makes on its website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.
 - The Police and Crime Commissioner may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
 - at the end of six weeks from the panel having received notification if the panel has not by then given the Police and Crime Commissioner a recommendation as to whether or not she/he should call for the retirement or resignation, or
 - the Police and Crime Commissioner notifies the panel of a decision about whether she/ he accepts the panel's recommendations in relation to resignation or retirement.
 - The Police and Crime Commissioner must consider the panel's recommendation and may accept or reject it, notifying the panel accordingly.
 - In calculating the six week period, the period between the day of the poll at an ordinary election of a Police and Crime Commissioner and the day on which the Police and Crime Commissioner delivers a declaration of acceptance of office shall be ignored.

12. Public Participation

- Members of the public are able to ask questions or make a statement in relation to the responsibilities and functions of the Panel at each meeting. A maximum of 30 minutes will be allocated to this at the start of each meeting, and each question or statement should last no longer than 3 minutes.
- Questions must be put in writing to the Head of Democratic Services at Wiltshire Council no later than 5 clear working days before the meeting, to allow a response to be formulated, and are limited to a maximum of 2 per person / organisation. A response will be given as either a direct oral answer or a written reply.
- The questioner is able to ask one supplementary question after receiving a response. There is usually no debate on questions; however this is at the Chairman's discretion.
- Statements must be given in writing and can be received up to 10 minutes before the start of the meeting.

13. Decision Making and Rules of Debate

- Principles of Decision Making

These principles will underpin the way the Police and Crime Panel makes its decisions:-

- Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers
- The presumption that whenever possible, all decisions made by the Police and Crime Panel should be made in public and ensure open, fair and honest administration
- Decisions will be clear about what they aim to achieve and the results that can be expected
- Due respect for human rights will be shown and provision given to equality of opportunity
- Decisions will be efficient, effective and economic, and obtain best value
- Determination of decisions will be at the lowest level commensurate with their importance
- Decisions will produce action that is proportionate to the desired outcome, and state the reasons for the action
- All options considered and discarded when making a decision will be recorded

- Rules of Debate

The rules of debate of the Police and Crime Panel shall be governed by the rules relating to meetings of Council committees (section 102 to 106 of part 4 of the Council Constitution).

14. Minutes

The Chairman will sign the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

15. Members' Conduct

- **Speaking**
When a member speaks at PCP meetings, he/she must address the meeting through the Chairman.
- **Chairman Requiring Silence**
When the Chairman so indicates during a debate, any member speaking at the time must stop and the meeting must be silent.
- **Member not to be heard further**
 - If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.
 - If the member continues to behave improperly after such a motion has been carried, the Chairman may adjourn the meeting for a specified period or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

16. Disturbance

- If there is a disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she considers necessary, or if occurring in a part of the meeting room open to the public may call for that part to be cleared
- If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

17. Suspension and Amendment of Procedure Rules

- **Suspension**
These rules may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the PCP is present. Suspension can only be for the duration of the meeting. A motion to suspend any of these rules must specify the rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the Police and Crime Panel without debate. No suspension may be considered by the Police Crime Panel which does not comply with the Police Reform and Social Responsibility Act 2011, relevant Regulations, statutory guidance or the Panel Arrangements.
- **Amendment**
The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the Head of Democratic Services a Wiltshire Council at least 10 working days prior to a PCP meeting. A report on the implications of the proposed amendment shall be considered by the PCP and the amendment shall require the agreement of at least two thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of it. No amendment may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2012, relevant Regulations or statutory guidance or Panel Arrangements.

18. Adjournment of Panel Meetings

When the PCP adjourns, whether by resolution or by decision of the Chairman, the adjournment will by decision taken at that time be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the Police and Crime Panel will be notified of the new date, time and place when these have been determined.

19. Interpretation

- The ruling of the Chairman as to the construction or application of these rules or as to the proceedings of the Police and Crime Panel will be final for the purposes of the meeting at which it is given.
- If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail.

General Note: Various functions of the PCP are subject to Regulations that are not yet available and the content of the Rules may therefore need to change before the final version is determined

Wiltshire Police and Crime Panel

Panel Arrangements

This Agreement is dated the day of 2012.

The Agreement is made between Wiltshire Council and Swindon Borough Council (“the Authorities”)

1. 0 Background

1. 1 The Police Reform and Social Responsibility Act 2011 (“the Act”) introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.

1. 2 The Act provides for the election of a Police and Crime Commissioner (‘the PCC’) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.

1. 3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel (‘the Panel’) for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel (‘Panel Arrangements’).

1. 4 The Authorities, as the relevant local authorities within the area must agree to the making and modification of the Panel Arrangements. Where an authority has refused to nominate a member to a panel, then the remaining councils in an area

can agree the panel arrangements without the need to get the agreement of the council that is refusing to participate.

1. 5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.

1. 6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

1. 7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.

1. 8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.

1. 9 The Panel is a joint committee of the Authorities.

2.0 Lead Authority

2. 1 Wiltshire Council shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.

3. 0 Membership

3. 1 General

3. 2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective of the Act is met so far as is reasonably practicable. All members of the Authorities are eligible to be members of the Panel. The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:

- a) represent all parts of the police force area;
- b) represent the political make-up of the Authorities; and,
- c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively. Where an Authority fails to nominate, or having nominated then fails to appoint, a member to a panel the Lead authority shall notify the Home Office.

3. 3 In appointing co-opted Members who are not elected members of any of the Authorities, the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 4 The Panel shall consist of ten Members appointed by the Authorities in accordance with the requirements of the balanced appointment objective contained within the Act, as follows:

Wiltshire Council = 7 members

Swindon Borough Council = 3 members

3. 5 The Panel shall also include two independent Members co-opted by the Panel.

3. 6 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the Membership of the Panel shall not exceed 10. A panel cannot co-opt a councillor unless all the panel members agree, and any councillor co- options have to be notified to the Home Office as do any resolutions to co-opt additional members.

3. 7 The current arrangements that exist within the Authorities for the appointment of substitute members/deputies will apply to the Panel.

3. 8 Appointed Members

3. 9 The Authorities shall each nominate elected members to be Members of the Panel. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.

3. 10 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the panel from the defaulting authority in accordance with the provisions in the Act.

3. 11 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.

3. 12 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to the Head of Democratic Services at Wiltshire Council.

3.13 Where a Panel member fails to attend meetings of the Panel over a six month period then the Lead authority shall recommend to the relevant authority that due consideration is given to removing the member from the Panel and to the appointment of a replacement member.

3. 14 An appointed Member may resign from the Panel by giving written notice to the Head of Democratic Services at Wiltshire Council and to their Authority.

3. 15 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.

3. 16 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3. 17 Co-opted Members

3. 18 The following may not be co-opted Members of the Panel:

- a) the PCC for the Police Area.
- b) a member of staff of the PCC for the area.
- c) a member of the civilian staff of the Police Force for the area.
- d) a Member of Parliament.
- e) a Member of the National Assembly for Wales
- f) a Member of the Scottish Parliament.
- g) a Member of the European Parliament
- h) a serving police officer

3. 19 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.

3. 20 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.

3. 21 A co-opted Member shall be a Member of the Panel for four years.

3. 22 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:

- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
- b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and,
- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.

3. 23 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Head of Democratic Services at Wiltshire Council.

3. 24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.

3. 25 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons, present and voting, who are Members of the Panel at the time when the decision is made, vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:

- a) if the co-opted Member has been absent from the Panel for more than six months without the consent of the Panel;
- b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;

- c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel; or,
- d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.

3.26 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.

3.27 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3.28 Behaviour

3.29 All Panel members, including co-opted members, shall observe the Code of Conduct in force for their respective authorities and for the co-opted members the Lead authority's code of conduct, and any related protocols agreed by the Panel.

4.0 Budget and Costs of the Panel

4.1 The annual costs of the Panel shall be contained within the Home Office grant.

5.0 Rules of Procedure

5.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment and removal of the Chairman;
- b) the formation of sub-committees;
- c) the making of decisions;
- d) the arrangements for convening meetings; and,
- e) the circulation of information.

6.0 Allowances

6.1 The payment of a responsibility allowance to Panel Members shall be considered and a recommendation sought from the Independent Remuneration Panel of each council as to whether the payment of such an allowance is appropriate.

6.2 Reasonable expenses will be reimbursed by each authority with the lead authority reimbursing the expenses of the co-opted independent members.

7.0 Promotion of the Panel

7.1 The role and work of the Panel shall be promoted by:

- a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the

Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;

b) the issuing of regular press releases about the Panel and its work; and,

c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.

7.2 Support and guidance shall be provided to executive and non-executive elected members and officers of the Authorities in relation to the functions of the Panel as follows:

a) by the provision of initial briefing sessions for elected members and relevant officers of the Authorities before the election of the PCC, and the provision of annual briefing sessions thereafter; and,

b) by the provision of written briefing notes for elected members and relevant officers of the Authorities at least three times per year.

8.0 Validity of Proceedings

8.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.

8.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

This page is intentionally left blank

MINUTES EXTRACT OF THE STANDARDS COMMITTEE MEETING HELD ON 9 JULY 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

28 Recommendations from the Constitution Focus Group - Part 3 of the Constitution

The Chairman of the Committee and the Deputy Monitoring Officer introduced the proposed changes to Part 3 of the Constitution, Responsibility for Functions and Schemes of Delegation, following consideration by the Constitution Focus Group.

It was stated the majority of changes were to clarify matters and eliminate duplication to make it clearer and easier to follow, including a new contents and definitions section with a focus on principles of decision making for delegated decisions. There were also changes to reflect changes in legislation and operational practice, as detailed in the report, with clarifications on the allocation of applications to specific planning committees and the call-in of officer delegated decisions, which would in future all be published on the council's intranet. Additionally, due to its length, it was proposed the rules and procedures for the Police and Crime Panel be removed from Part 3 of the Constitution and placed in a separate protocol, although no changes would be made to the details.

Members discussed the changes in detail, seeking clarification on which criteria would be considered by the Associate Director when determining which planning committee would consider a specific application which had been called in, with some concerns raised that with the Core Strategy being currently unadopted, the criteria allowed speculative outline applications to be submitted and considered by area planning committees, despite have a clear strategic impact once the full details would be brought forward. In response to queries it was also confirmed there were no proposed changes to the scheme of delegation in respect of licensing.

At the end of discussion, it was,

Resolved:

To recommend that Council approve the proposed changes to Part 3 of the Constitution, including the transfer of the Police and Crime Panel Arrangements to a new Protocol.

This page is intentionally left blank

Wiltshire Council

Council

29 July 2014

Annual Report on Treasury Management 2013-14

Summary

In accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) (the leading accountancy body for the public services) Prudential Code for Capital Finance in Local Authorities 2003 (The Prudential Code), the Council adopted a Treasury Management Strategy (TMS) for 2013-14, including a set of Prudential and Treasury Indicators (PrIs/TrIs) and an Annual Investment Strategy (AIS) at its meeting on 26 February 2013. The Strategy report can be found in the Cabinet meeting on 18 February 2013 agenda in the reports pack at the following link, <http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=141&MId=6131&Ver=4> Item 10, Page 75. This report shows how the Council has performed against the strategy.

The treasury strategy was adhered to in 2013-14; the average long term borrowing rate was 3.787%; and the return on investments was 0.50%.

Proposals

Following consideration by Cabinet at its meeting on 17 June 2014, the Council is asked to consider and note:

- a) **Prudential Indicators, Treasury Indicators and other treasury management strategies set for 2013-14 against actual positions resulting from actions within the year as detailed in Appendix A; and**
- c) **investments during the year in the context of the Annual Investment Strategy as detailed in Appendix B.**

Reasons for Proposals

To give members an opportunity to consider the performance of the Council against the parameters set out in the approved Treasury Management Strategy for 2013-14. This report is required by the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice for Treasury Management in the Public Services.

Michael Hudson

Associate Director, Finance, Revenues & Benefits and Pensions

Annual Report on Treasury Management 2013-14

1. Background & Purpose of Report

- 1.1 In accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) (the leading accountancy body for the public services) Prudential Code for Capital Finance in Local Authorities 2003 (The Prudential Code), the Council adopted a Treasury Management Strategy (TMS) for 2013-14, including a set of Prudential and Treasury Indicators (PrIs/TrIs) and an Annual Investment Strategy (AIS) at its meeting on 26 February 2013. The Strategy report is in the Cabinet 18 February 2013 agenda in the reports pack at the following link, <http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=141&MId=6131&Ver=4> Item 10, Page 75.
- 1.2 A quarterly report for the period from 1 April to 31 December 2013 was submitted to Cabinet on 18 March 2014, the minutes of which were received and noted by Council at its meeting on 13 May 2014. This report covers the whole financial year ended 31 March 2014.

2. Main Considerations for the Council

- 2.1 This report reviews:
- a) PrIs, TrIs and other treasury management strategies set for 2013-14 against actual positions resulting from actions within the year (see Appendix A); and
 - b) investments during the year in the context of the Annual Investment Strategy (see Appendix B).
- 2.2 There were no opportunities to restructure PWLB loans in 2013-14, mainly because of the continuing high level of premiums payable for early repayment, together with the availability of favourable interest rates at the appropriate maturity levels.

Review of Prudential and Treasury Indicators and Treasury Management Strategy for 2013-14

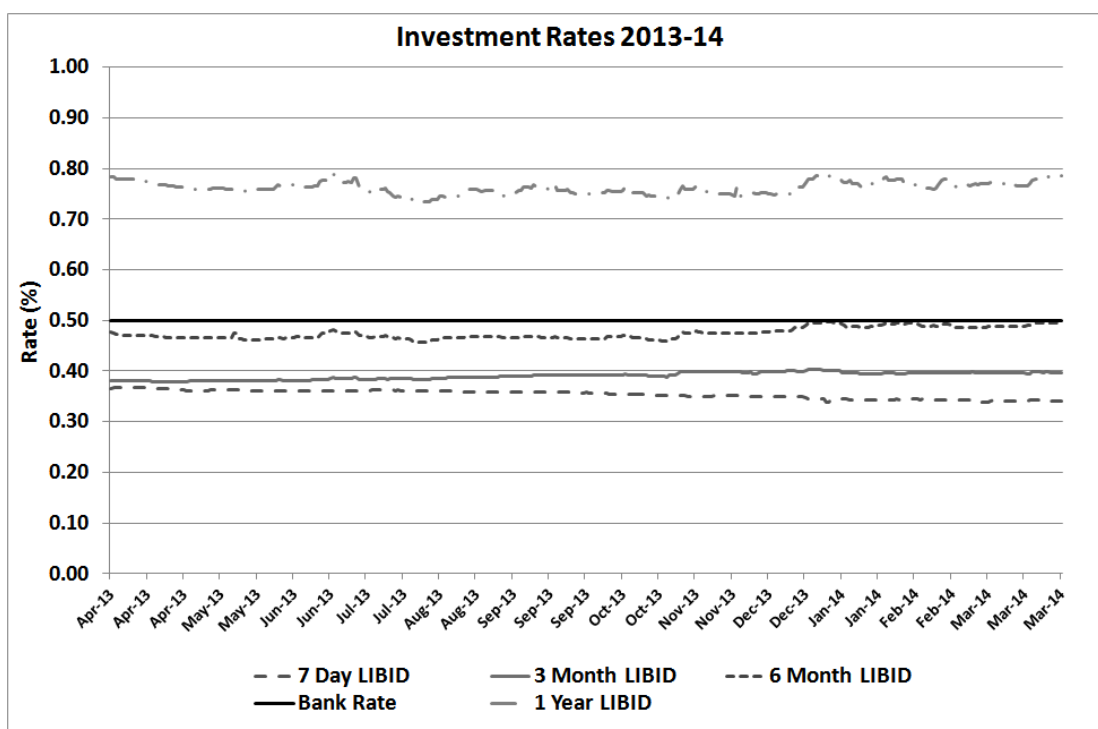
2.3 The detail of the review is given in Appendix A. The Council is asked to note that:

- a) all action has been within the approved PrIs and TrIs;
- b) the Council has recovered a further £1.655 million from Icelandic banks during 2013-14. Total recoveries since the banks failed in 2008 now stand at approximately £10.2 million.
- c) the average interest rate for long term debt has increased slightly (from 3.77%) to 3.787%, the very minor increase being due to the maturity of annuity loans. There has been no significant movement in the amount of loans outstanding between 1 April 2013 and 31 March 2014;
- d) short term cash deficits and surpluses were managed through temporary loans and deposits with a return on investments of 0.50% (a decrease from 0.80% in 2012-13, reflecting overall decreases in the market during the year). This compares with the average market rate, based on the Average 3 Month LIBID Rate for 2013-14 (London Interbank Bid Rate, i.e. the rate at which banks are prepared to borrow from other banks) of 0.39% (0.56% for 2011-12); and
- e) a mid/longer term “special tranche rate” investment was (renewed) placed with Lloyds Banking Group (in August 2013, at 1.01%), for 12 months, taking advantage of favourable (although reduced from previous rates available in 2012-13) rates, whilst ensuring security and liquidity.

Review of Investment Strategy

2.4 This review is detailed in Appendix B. The Council is asked to note that:

- a) the financial year 2013-14 continued the challenging investment environment of previous years, namely low investment returns.
- b) Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for five years. Market expectations as to the timing of the start of monetary tightening ended up almost unchanged (at around the end of 2014 / start of 2015). The Funding for Lending Scheme resulted in deposit rates remaining depressed during the whole of the year, although the part of the scheme supporting provision of credit for mortgages came to an end in the first quarter of 2014.
- c) as can be seen from the chart below, interest (investment) rates remained low/flat during the financial year.



d) during the financial year the Council was able to take the opportunity presented by longer term (four to 12 months) investment rates to invest surplus cash balances at optimum rates, whilst maintaining its approved strategy, including security and liquidity and credit rating criteria.

3. Environmental and Climate Change Considerations

3.1 None have been identified as arising directly from this report.

4. Equalities Impact of the Proposal

4.1 None have been identified as arising directly from this report.

5. Risks Assessment and Financial Implications

5.1 The primary treasury management risks to which the Council is exposed are adverse movements in interest rates and the credit risk of counterparties.

5.2 Investment counterparty¹ risk is controlled by assessing and monitoring the credit risk of borrowers as authorised by the Annual Investment Strategy. Appendix B of this report details action taken in 2013-14.

5.3 At 31 March 2014, the Council's average interest rate in respect of long term debt was 3.787%, which remains relatively low, in comparison with other local authorities.

¹ A Counterparty is a term most commonly used in the financial services industry to describe a legal entity, unincorporated entity or collection of entities (e.g. lender/borrower) to which an exposure to financial risk might exist.

- 5.4 It is also considered important to ensure that there is an even spread of loans to avoid the prospect of a number of high value loans maturing in any one year, which may need to be re-financed at a time when interest rates are high. A summary of the present loan maturity profile is shown in Appendix C (i).
- 5.5 Returns on short term investments have not moved significantly, mainly as a result of the volatility of the market following the 'credit crunch' starting in October 2008 and are likely to continue at near current levels for some time. The costs of borrowing for this Council have remained at similar levels because the loan profile is almost entirely at fixed maturity rates (despite the unexpected change of policy on PWLB lending arrangements in October 2010, when new borrowing rates increased by 0.75% to 0.85%, without an associated increase in early redemption rates). The investment rate of return for the year was 0.50%, against the average borrowing rate of 3.79%.
- 5.6 The latest forecast from Capita Asset Services anticipates that Bank Rate will not start to rise until quarter four of 2015 and move steadily further during 2016. PWLB rates are also expected to rise steadily over the next three years as the UK economy continues to improve.

6. Legal Implications

- 6.1 None have been identified as arising directly from this report.

7. Options Considered

- 7.1 Options for optimising returns were considered and Mid/longer term investment rates provided an opportunity to reinvest at special (attractive) deposit rates over four to 12 months.

8. Conclusion

- 8.1 The Council is asked to note the report.

Michael Hudson

Associate Director, Finance, Revenues & Benefits and Pensions

Report Author:

Keith Stephens, Business Analyst (Cash and Treasury) Tel: 01225 713603, email: keith.stephens@wiltshire.gov.uk

Background Papers

The following unpublished documents have been relied on in the preparation of this Report: NONE

Appendices

- Appendix A Review of Prudential and Treasury Indicators for 2013-14
Appendix B Review of Investment Strategy for 2013-14
Appendix C Summary of Long Term Loans, Temporary Loans and Deposits for 2013-14

REVIEW OF PRUDENTIAL AND TREASURY INDICATORS FOR 2013-14

- Where appropriate the figures shown in this report are consistent with the Pr1 and Tr1 estimates in the Strategy for the next three years, as reviewed and reported as part of the 2013-14 budget process.

Prudential Indicators

Pr1 - Capital Expenditure

- The table below shows the original and revised estimate of capital expenditure against the actual for the year 2013-14:

	2013-14 Original Estimate £ million	2013-14 Revised Estimate £ million	2013-14 Actual Outturn £ million
General Fund	132.1	102.4	84.5
Housing Revenue Account	10.2	7.1	6.2

- The actual capital spends (as highlighted) have increased from those reported in the December quarterly report because of additional capital expenditure incurred between the end of December 2013 and the end of March 2014.
- The Capital Programme has been actively managed throughout the year and the revised capital budget (capital outturn position for 2013-14) is £113.0 million. Further breakdown of these figures was presented in the capital outturn report, which was taken to the Cabinet Capital Assets Committee at its meeting on 22 July 2014.

Pr1 2 – Ratio of Financing Costs to Net Revenue Stream

- Pr1 2 expresses the net costs of financing as a percentage of the funding receivable from the Government and council tax payers (General Fund) and rents receivable (HRA). The net cost of financing includes interest and principal repayments for long and short term borrowing, as well as other credit-like arrangements, netted off by interest receivable from cash investments.

	2013-14 Original Estimate	2013-14 Revised Estimate	2013-14 Actual
General Fund	6.6%	6.3%	6.2%
Housing Revenue Account	18.7%	15.3%	15.3%

- In terms of the General Fund slight differences between budgeted and actual costs led to a minor decrease in actual ratio when compared with the revised estimate. The actual ratio (as highlighted) is also slightly higher than the figure reported in the December 2013 quarterly report, reflecting a change in the anticipated level of investment income and a slight decrease in the minimum revenue provision required for capital expenditure.

Prl 3 – Estimate of Incremental Impact of Capital Investment Decisions on the Council Tax

7. This indicator is only relevant during budget setting, as it reflects the impact on the Band D Council Tax, or average weekly housing rents in respect of the HRA, caused by any agreed changes in the capital budget.

Prl 4 – Gross Borrowing and the Capital Financing Requirement

8. Prl 4 measures the so called “Golden Rule” which ensures that borrowing is only for capital purposes. The table below shows the original and revised estimate for 2013-14 compared with the actual position at the year end.

	2013-14 Original Estimate £ million	2013-14 Revised Estimate £ million	2013-14 Actual £ million
CFR – General Fund	404.4	378.1	348.6
CFR – HRA	122.6	122.6	122.6
Gross Borrowing – Gen Fund	275.2	245.2	245.2
Gross Borrowing – HRA	118.8	118.8	118.8
CFR not funded by gross borrowing – Gen Fund	129.2	132.9	103.4
CFR not funded by gross borrowing – HRA	3.8	3.8	3.8

9. The Capital Financing Requirement (CFR) increases whenever capital expenditure is incurred. If resourced immediately (from capital receipts, direct revenue contributions or capital grant/contributions) the CFR will reduce at the same time that the capital expenditure is incurred, with no net increase in CFR.
10. Where capital expenditure is not resourced immediately, there is a net increase in CFR, represented by an underlying need to borrow for capital purposes, whether or not external borrowing actually occurs. The CFR may then reduce over time by future applications of capital receipts, capital grants/contributions or further charges to revenue.
11. This Prl is necessary, because under an integrated treasury management strategy (in accordance with best practice under the CIPFA Code of Practice on Treasury Management in the Public Services), borrowing is not associated with particular items or types of expenditure, whether revenue or capital
12. The difference between actual external (gross) borrowing (£245.2 million) and the CFR (CFR not funded by gross borrowing above) is capital expenditure met by internal borrowing, i.e. funded from the Council’s own funds, such as reserves and balances and working capital (an accounting term for the difference, at a point in time, between what the Council owes and what is owed to it).

13. Internal borrowing is cheaper than external borrowing (see paragraph 5.5 of the main report), however, the ability to borrow internally will depend upon the sufficiency of reserves, balances and working capital. The sufficiency needs to be monitored and projections carried out to indicate where any adverse movements are expected, that could jeopardise the Council's cash flow position, making it necessary to replace internal with external borrowing.

Pr1 5 – Compliance with CIPFA Code of Practice for Treasury Management in the Public Services (“The Code”)

In the past year the Council was, and is expected to continue to be, fully compliant with the CIPFA Code of Practice for Treasury Management in the Public Services.

14. This Code of Practice has been complied with during 2013-14.

Treasury Management Indicators within the Prudential Code

Tr1 1 – Authorised Limit for External Debt

Authorised Limit	2013-14 £ million	2014-15 £ million	2015-16 £ million	2016-17 £ million
Borrowing – General Fund	436.0	471.2	473.2	466.1
Borrowing – HRA	123.2	123.2	123.2	123.2
Total Borrowing	559.2	594.4	596.4	589.3
Other Long Term Liabilities	0.2	0.2	0.2	0.2
TOTAL	559.4	594.6	596.6	589.5

15. This Authorised Limit was not exceeded at any time during the year, as maximum borrowing was below the (lower) Operational Boundary.

Tr1 2 – Operational Boundary for External Debt

Operational Boundary	2013-14 £ million	2014-15 £ million	2015-16 £ million	2016-17 £ million
Borrowing – General Fund	425.3	459.7	461.6	454.8
Borrowing – HRA	123.2	123.2	123.2	123.2
Total Borrowing	548.5	582.9	584.8	578.0
Other Long Term Liabilities	0.2	0.2	0.2	0.2
TOTAL	548.7	583.1	585.0	578.2

16. This Tr1 is for gross borrowing and was set at a limit that would allow the Council to take its entire financing requirement as loans if this was the most cost effective alternative. The limit on HRA borrowing is capped at £123.2 million. The limits, which have not been exceeded during the period covered by this report, are set to anticipate expected expenditure. The maximum gross borrowing during the year being £364.0 million (£245.2 million on General Fund and £118.8 on HRA) at 31 March 2014.

Trl 3 – External debt

	31/3/13 Actual £ million	31/3/14 Expected £ million	31/3/14 Actual £ million
Borrowing – General Fund	245.2	245.2	245.2
Borrowing – HRA	118.8	118.8	118.8
Total Borrowing	364.0	364.0	364.0
Other Long Term Liabilities	£0.2	0.2	£0.2
TOTAL	364.2	364.2	364.2

17. This Trl shows the gross External Debt outstanding at year end. The actual borrowing figure is outstanding long term borrowing as shown in Appendix C (i). Actual borrowing was as expected at the end of 2013-14.
18. There were no long term loans taken during the year.

Treasury Management Indicators within the Treasury Management Code

Trl 4a and 4b – Upper Limit on Fixed Interest Rate Exposures and Interest Rate Exposures, respectively

The Council's upper limit for fixed interest rate exposure for the period 2013-14 to 2016-17 is 100% of net outstanding principal sums.

The Council's upper limit for variable interest rate exposure is 35% for 2013-14, 50% for 2014-15, 50% for 2015-16 and 55% for 2016-17 of net outstanding principal sums.

19. All loans and investments are at fixed rates of interest.

Trl 5 – Maturity Structure of Borrowing

Limits on the Maturity Structure of Borrowing	Upper Limit	Lower Limit	Actuals 31/3/14
Maturing Period:			
- under 12 months	15%	0%	13.2%
- 12 months and within 24 months	15%	0%	10.2%
- 2 years and within 5 years	45%	0%	7.3%
- 5 years and within 10 years	75%	0%	11.0%
- 10 years and above	100%	0%	58.3%

20. In addition to the main maturity indicators it is considered prudent that no more than 15% of long term loans should fall due for repayment within any one financial year. The actual maximum percentage falling due for repayment in any one year is currently 13.2% (£48 million) in 2014-15. However, three quarters of this relates to LOBO loans, where, through call options, the lender has the right to change the interest rate at various points, in which case the Council will repay the loans and consider whether it needs to refinance them. In the current interest rate climate (where interest rates are expected to remain low for some time) they are extremely unlikely to be called. The average

interest rate on present long-term debt is 3.79%, which continues to be relatively low when compared with other local authority borrowing rates.

Trl 6 – Total Principal Sums invested for periods longer than 364 days

21. This Trl is covered by the Annual Investment Strategy, which is detailed in Appendix B.

Other Treasury Management issues

Short Term Cash Deficits and Surpluses

22. It was agreed, as per the approved Strategy, that temporary loans and deposits would be used to cover short term cash surpluses and deficits that arise during the year. Such borrowing or investments would be made to specific dates at fixed rates, with reference to cash flow requirements. Investments have also been placed in Money Market Funds during the year.
23. Any outstanding temporary loans and/or deposits are summarised in Appendix C (ii).

Icelandic Bank Deposits

24. During 2013-14 the Council received a significant interim dividend from the administrators of Heritable Bank, totalling just over £1.5 million and a further repayment of, circa, £0.150 million from the Landsbanki Winding-up Board.
25. Following the receipt of the last repayment, the Council has now received around £8.5 million, 94% (of the original investment of £9 million) from Heritable. This may be the last payment, although the final position has yet to be confirmed.
26. The Landsbanki Winding-up Board announced on March 9, 2012 that it anticipated recoveries in the administration of Landsbanki would exceed the book value of priority claims by around ISK 121bn (some 9% higher than the value of priority claims) taking account of the sale of its holding in Iceland Foods. It is now considered likely that, subject to foreign exchange rate fluctuations and the 'unwinding of' capital controls, local authorities will recover 100 per cent of their deposits. Latest indications suggest that it will be some time before the final repayment is received.
27. The deposits outstanding with Icelandic banks are shown in Appendix C (ii) at impaired value less repayments, impairment being calculated using the latest available guidance.
28. The initial investments in Icelandic banks amounted to a total of £12 million and total recoveries since the banks failed in 2008 now stand at approximately £10.2 million. Although it is difficult to estimate the final recoverable amount precisely, the best estimate for the final recoverable amount, based on the expected recovery rates, is just over £11.5 million (including some interest), leaving approximately £0.5 million (or, circa, 4%) irrecoverable overall.

Longer Term Cash Balances

29. The tight monetary conditions have continued through 2013-14 with a downward trend in the deposit rates for all types of investments (short/medium and long term). As a result opportunities for an increased return by longer term investment of the more permanent cash surpluses, such as reserves and balances have been limited.
30. However, there have been continuing opportunities for investment, within the Councils approved Treasury Management Strategy, in (UK 'Government backed') banks which have offered "special tranche rates" for twelve months.
31. A further "special tranche rate" investment was placed with Lloyds Banking Group (in August) for 12 months at 1.01%, further details of which is shown in Appendix C(ii).

REVIEW OF INVESTMENT STRATEGY FOR 2013-14

1. All investments of surplus cash balances were placed to ensure:
 - a) the security of capital, deposits only being placed with financial institutions which met the **high credit ratings** laid down in the approved Strategy;
 - b) the liquidity of investments, all deposits being placed for fixed periods at fixed rates of interest; and
 - c) all such investments were in sterling and in “Specified Investments”, as prescribed in the DCLG Guidance on Local Government Investments (the “Guidance”).
2. The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.
3. As summarised in Appendix C (iii), 289 deposit transactions were processed during the year, with a gross value of £878.878 million. Of deposits placed, 130 were placed direct with HSBC Bank Treasury on the Council’s overnight deposit account, 5 in call accounts, 126 through money market funds and 28 were placed with other counterparties via the money markets and direct dealing. The level of deposits in money market funds and call accounts reflects both counterparty downgrading and banks moving away from instant access call accounts to notice accounts, which are sometimes not always suitable for cash flow purposes.
4. Details of the deposits outstanding at the end of the year, totalling £76.327 million, are shown in Appendix C (ii). These deposits represent the Council’s reserves both long term, such as the PFI and Insurance funds, and short term such as creditors or payments in advance and include the deposits that remain outstanding from Icelandic banks at impaired value less repayments.
5. The opportunity was taken to place a proportion of these deposits in longer term investments for 12 months, taking advantage of higher interest rates available for the longer maturity period. These are shown within general deposits in Appendix C (ii).
6. The Council contracts with a treasury adviser, regularly reviewing credit ratings of potential organisations and their respective country’s ratings, together with other ‘tools’ used to assess the credit quality of institutions such as credit default swaps. The Council uses this information to assess institutions with which it may place deposits or from which it may borrow, including interest rate forecasts for both borrowing and investment, together with setting a ‘benchmark’ borrowing rate. The Council’s investment policy is ‘aimed’ at the prudent investment of surplus cash balances to optimise returns whilst ensuring the security of capital and liquidity of investments. However, the Council, like any other organisation, can be exposed to financial risk, which is negated as far as possible by the foregoing measures.

SUMMARY OF LONG TERM BORROWING 1 APRIL - 31 MARCH 2014**Loans Raised During the Period**

Date Raised	Lender	Amount (£m)	Type	Interest rate (%)	Maturity date	No. of years
No Loans were raised during the period						
Total		0.000				

Average period to maturity (years) 0.00

Average interest rate (%) 0.00

* Loans taken to restructure ** Loans taken for purchases instead of leasing

Maturity Profile at 31 March 2014

Year	Amount (£m)					% age		Average rate (%)	
	PWLB	Market Loans (LOBO)		Total		Earliest Repay	Contracted Maturity	Earliest Repay	Contracted Maturity
		Earliest Repay	Contracted Maturity	Earliest Repay	Contracted Maturity				
(A)	(B)	(C)	(A)+(B)	(A)+(C)					
1 to 5 years	50.842	61.000	-	111.842	50.842	30.7	14.0	3.890	3.336
6 to 15 years	90.123	-	-	90.123	90.123	24.8	24.8	3.013	3.013
16 to 25 years	87.500	-	-	87.500	87.500	24.0	24.0	3.872	3.872
26 to 50 years	74.500	-	45.000	74.500	119.500	20.5	32.8	4.497	4.449
Over 50 years	-	-	16.000	-	16.000	-	4.4	-	4.298
Totals	302.965	61.000	61.000	363.965	363.965	100.0	100.0	3.787	3.787

Average period to maturity (years) 15.53 22.55

CIPFAs Guidance Notes on Treasury Management in the Public Services recommends that the Treasury Management Strategy Reports include LOBO (Lender Option Borrower Option) loans at the earliest date on which the lender can require payment, deemed to be the next 'call date'. At that date the lender may choose to increase the interest rate and the borrower (the Council) may accept the new rate or repay the loan (under the current approved Treasury Management Strategy, the Council would repay the loan). Whether or not the lender chooses to exercise their right to alter the interest rate will depend on market conditions (interest rates). Current market conditions, where interest rates are predicted to remain low for some time, indicate that it is highly unlikely that lenders will call the loans in the immediate future.

The alternative method of determining the maturity profile of LOBO loans, based on contracted maturity dates, is used in the 2013-14 year end outturn.

The table above includes the maturity profiles using both the earliest date on which the lender can require payment and the contracted maturity dates.

SUMMARY OF DEPOSITS 1 APRIL - 31 MARCH 2014**Deposits Outstanding at 31 March 2014**

Borrower	Amount £m	Terms	Interest Rate	Sector Credit Rating at 31/03/2014
HSBC Bank Plc - Treasury	1.500	No fixed maturity date	0.20	Orange - 12 Months
Lloyds TSB Bank	5.000	Fixed to 11-Aug-14	1.01	Blue - 12 Months
Ulster Bank Ltd *	8.000	Fixed to 16-Sep-14	0.92	No Rating (rating suspended 13 March 2014)
DBS Bank Ltd.	8.000	Fixed to 11-Apr-14	0.47	Purple - 24 Months
Standard Chartered Bank	8.000	Fixed to 14-Apr-14	0.55	Red - 6 Months
Canadian Imperial Bank of Commerce	8.000	Fixed to 16-Jul-14	0.50	Orange - 12 Months
Svenska Handelsbanken AB	0.020	No fixed maturity date	0.55	Orange - 12 Months
BlackRock Money Market Fund	7.103	No fixed maturity date	0.31	AAA
J P Morgan Money Market Fund	0.005	No fixed maturity date	0.27	AAA
Prime Rate Money Market Fund	14.758	No fixed maturity date	0.40	AAA
Goldman Sachs	0.407	No fixed maturity date	0.37	AAA
Ignis Money Market Fund	14.375	No fixed maturity date	0.43	AAA
Heritable Bank	0.000	Est Recoverable Amount	6.00	N/A
Heritable Bank	0.000	Est Recoverable Amount	6.00	N/A
Heritable Bank	0.000	Est Recoverable Amount	6.00	N/A
Heritable Bank	0.000	Est Recoverable Amount	5.42	N/A
Landsbanki	1.138	Est Recoverable Amount	6.10	N/A
Landsbanki	0.021	Est Recoverable Amount	4.17	N/A
Total	76.327			

*The suggested duration associated with Ulster Bank was 12 months (Blue - Government backed as part of RBS Group) at the time the deposit was taken out. However, since that time, following a review, the banks credit rating has been downgraded by Moodys Rating Agency and Capita Asset Services suspended their rating on 13 March 2014, although they remain Government backed as part of the RBS Group and still retain parental support.

Outstanding deposits with Icelandic Banks are shown at the estimated recoverable amount, which takes account of the latest estimated impairments and all repayments received to date (31 March 2014). Following the last (significant) repayment, the estimated recoverable amounts relating to the Heritable Bank investments have been reduced to nil, on the basis of current indications, that there may not be any further repayments, a recovery level of 94% having been attained. Apart from the final entry, the interest rates are the original rates. The last entry reflects the amount paid out in ISK (Icelandic Krona) which is being held in an interest bearing escrow account in Iceland and, as recommended by CIPFA, accounted for as a 'new' investment.

Investments held (as highlighted) have decreased by £43.085 million between the end of December 2013 as reported in the previous quarterly report, and the end of March 2014. This is because of changes in cash flows (e.g. decreased receipts/increased payments, particularly those associated with the new funding arrangements for Business Rates Retention) resulting in a reduction in cash available for investment.

SUMMARY OF TEMPORARY LOANS AND DEPOSITS 1 APRIL - 31 MARCH 2014**Transactions During the Period**

Type	Balance 1 Apr 13 £m	Raised		Repaid		Balance 31 March 14 £m	Interest Variance * High/Low(%)
		Value £m	No.	Value £m	No.		
Temporary loans							
- General	0.000	0.000	0	0.000	0	0.000	
Total	0.000	0.000	0	0.000	0	0.000	
Temporary deposits							
- General	47.242	213.100	28	222.183	29	38.159	1.01/0.47
- HSBC Overnight	0.000	337.250	130	335.750	126	1.500	0.20/0.20
- Call Accounts	0.017	7.023	5	7.020	1	0.020	0.80/0.55
- Money Market Funds	20.079	330.494	126	313.925	127	36.648	0.43/0.27
Total	67.338	887.867	289	878.878	283	76.327	

* Interest variance is the highest/lowest interest rate for transactions during the period.

* In terms of general deposits, the high of 1.01% was obtained in August 2013 on a 12 month deposit.

General deposits include impaired Icelandic investments less any repayments that have been received, to date.

This page is intentionally left blank

Wiltshire Council

Council

29 July 2014

Cosmetic Piercing and Skin Colouring – Adoption of Legislation and Byelaws

Summary

Council is asked to approve the re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and for the making of new byelaws to regulate premises carrying out various skin piercing activities. These measures will allow the Council to regulate the cleanliness and hygienic practices of premises on which skin-piercing businesses are operating.

This has been considered by the Licensing Committee which has recommended the proposals to Council. The adoption of byelaws is a matter reserved for Council.

Proposals

That Council:-

1. **formally re-adopt the provisions of sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982, providing for the regulation of premises conducting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, to come into effect on 1st October 2014;**
2. **agree to make a consolidated set of byelaws for the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, as set out in the model byelaws attached as Appendix 1 to this report, for submission to the Secretary of State for Health for confirmation, following the completion of the process to re-adopt the relevant sections of the 1982 Act and**
3. **agree that the current byelaws relating to cosmetic piercing and semi-permanent skin colouring, which had previously been made by the predecessor district councils, as set out in the table in paragraph 6. of the proposed new byelaws, be revoked on the confirmation of the new model byelaws**

Reason for Proposal

Re-adoption of the legislation is proposed in order to consolidate the previous resolutions of the predecessor district authorities with a view to ensure certainty in any enforcement action taken under the legislation.

Whilst the byelaws adopted by the predecessor district councils remained in force following Local Government Reorganisation, not all of them cover all of the various types of skin piercing activities. The proposed new byelaws will address this issue.

Maggie Rae
Corporate Director

Cosmetic Piercing and Skin Colouring – Adoption of Legislation and Byelaws

Purpose of Report

1. The purpose of this report is to seek approval for the re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and for the making of new byelaws to regulate premises carrying out various skin piercing activities. These measures will allow the Council to regulate the cleanliness and hygienic practices of premises on which skin-piercing businesses are operating.

Relevance to the Council’s Business Plan

2. “People are protected from harm as possible and feel safe”

Main Considerations for the Council

3. The ability of local authorities to regulate various skin-piercing activities is set out in sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 (‘the 1982 Act’). These sections are adoptive, which means that they only apply to a particular area if and when they are adopted by the district council for that area.
4. Section 14 of the 1982 Act provides that persons and premises carrying out the business of acupuncture must be registered with the local authority and allows the Council to make byelaws regulating the cleanliness of premises and fittings, the cleanliness of operators and the cleansing and sterilisation of instruments, materials and equipment.
5. Section 15 of the 1982 Act originally made similar provisions in relation to tattooing, ear-piercing and electrolysis. Section 16 makes it an offence to operate unregistered premises, or breach any byelaws that have been made. Section 17 gives authorised officers of the Council a power of entry into relevant premises.
6. These provisions in sections 14-17 of the 1982 Act were adopted by all four of the district councils in Wiltshire between 1984 and 1985. All of the district councils also made byelaws regulating the activities covered in sections 14 and 15.
7. In 2003, section 15 was amended to also cover cosmetic piercing (i.e. all body piercings in addition to ear piercing) and semi-permanent skin colouring

(including micro-pigmentation, semi-permanent make-up and temporary tattooing)

8. Only North Wiltshire District Council adopted revised byelaws to cover the extended scope of section 15.
9. Therefore, although all of the byelaws remain effective following local government reorganisation, the scope of regulation is not consistent across the whole county. It is therefore appropriate to make new byelaws to encompass all of the activities covered by the amended legislation to replace the various byelaws made by the individual district councils, which can then be revoked. Model byelaws have been made by the Department of Health and it is these that are now proposed to be made to cover the whole of the Wiltshire Council area.
10. Although the adoptions of the 1982 Act made by the district councils in 1984 and 1985 remain valid, it is considered that it would be beneficial to consolidate the adoption resolutions for reasons of consistency and to enable certainty in any enforcement action that may need to be taken.
11. There is a requirement to advertise the adoption of the legislation in two consecutive weeks in a local newspaper at least 28 days before it becomes effective. For this reason, it is proposed that the re-adoption takes effect on 1st October 2014, to allow time for this process.
12. It is proposed that, once the re-adoption becomes effective, the revised byelaws will be made and sealed. There is then a requirement to give public notice of the making of the byelaws and there is a period of one month for any representations on them to be made. After that time, the byelaws would be submitted to the Secretary of State for confirmation.

Background

13. These proposals were originally submitted to the Licensing Committee in February 2012, where they were approved. Unfortunately, they were not referred on to full Council at that time. Therefore the proposals were again submitted to the last meeting of the Licensing Committee in June 2014. The Committee endorsed the previous decision and again recommended re-adoption of the skin-piercing legislation in the 1982 Act and the making of the consolidated byelaws.

Safeguarding Implications

14. It is an offence to tattoo any person under the age of 18 years (Tattooing of Minors Act 1969) regardless of parental consent. A person under the age of 18 years may receive body piercing provided they have received written permission from, or the treatment is performed in the presence of, the person's parent or guardian.

Nipple and genital piercing is prohibited on minors, regardless of parental consent and is considered an offence under the Sexual Offences Act 2003.

Public Health Implications

15. Cosmetic piercing and skin colouring carries a high risk of blood borne viral infection such as Hepatitis B and Hepatitis C if infection control procedures are not observed. These proposals would allow the Council to regulate the cleanliness and hygienic practices of skin piercing businesses more effectively

Environmental and Climate Change Considerations

16. None

Equalities Impact of the Proposal

17. None

Risk Assessment

18. There are no significant risks arising from the re-adoption of the legislation and the making of new consolidated byelaws.

Risks that may arise if the proposed decision and related work is not taken

19. As mentioned, the adoption of sections 14-17 of the 1982 Act by the former district councils remains valid, as do the byelaws made by them. However, the byelaws relating to cosmetic body piercing and semi-permanent skin colouring only apply to the former North Wiltshire D.C. area. The Council currently is not able to regulate these activities across the whole of the county.

Financial Implications

20. Section 14 and Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable fees for registration of persons and premises carrying out the business of skin piercing. The fee might cover initial inspection(s) associated with registration, advising the business about registration and associated administration.

Currently (2014-15) Wiltshire Council charges a fee of £122.00 to register a premises and person and a £15.00 fee for each additional person to be registered.

There will be a cost to Wiltshire Council to advertise the adopted legislation and associated byelaws.

Legal Implications

21. There are legal procedures that have to be following to both re-adopt the legislation and to make the consolidated byelaws, which are summarised in the report. Once these procedures are complete, it should be easier to take any enforcement action that may be required in relation to these activities.

Options Considered

22. Council asked to consider approving the re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and approve the making of model byelaws after the adoption process has been completed

Conclusions

23. It is recommended that the Council approve the re-adoption of re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and agree that the model byelaws are to be made after the adoption process has been completed.

Maggie Rae
Corporate Director

Report Author: Linda Holland

Linda Holland Public Protection Team Leader - Licensing

8th July 2014

Background Papers

Unpublished documents relied upon in the preparation of this report:

None

Appendix

Proposed byelaws

ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Wiltshire Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

(e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—

(i) immediately after use; and

(ii) at the end of each working day.

(f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;

(g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) Sterilization (the complete elimination or destruction of all living microorganisms.) unless single use pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and

(v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

(i) keeps his or her hands and nails clean and his or her nails short;

(ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

(iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

(iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;

(v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

(i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and

(ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

(a) the client is bleeding or has an open lesion on an exposed part of his body; or

(b) the client is known to be infected with a blood-borne virus; or

(c) the operator has an open lesion on his hand; or

(d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to the subject matters that were made by Kennet District Council, Salisbury District Council, West Wiltshire District Council and North Wiltshire District Council as listed below are revoked:

Subject	Authority	Date Made	Name of confirming authority	Date confirmed
S. 14 Acupuncture	Kennet District Council	10 July 1985	Secretary of State for Social Services	27 September 1985
S. 15 Ear piercing and Electrolysis	Kennet District Council	10 July 1985	Secretary of State for Social Services	27 September 1985
S. 15 Tattooing	Kennet District Council	10 July 1985	Secretary of State for Social Services	27 September 1985
S. 14 Acupuncture	Salisbury District Council	21 December 1983	Secretary of State for Social Services	30 May 1984
S. 15 Ear piercing	Salisbury District Council	21 December 1983	Secretary of State for Social Services	30 May 1984
S. 15 Electrolysis	Salisbury District Council	21 December 1983	Secretary of State for Social Services	30 May 1984
S. 15 Tattooing	Salisbury District Council	21 December 1983	Secretary of State for Social Services	30 May 1984
S. 14 Acupuncture	West Wiltshire District Council	15 August 1984	Secretary of State for Social Services	27 November 1984
S. 15 Tattooing, Acupuncture, Ear piercing and Electrolysis	West Wiltshire District Council	15 August 1984	Secretary of State for Social Services	27 November 1984
Ss. 14 and 15 Acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis	North Wiltshire District Council	2 February 2007	Secretary of State for Health	26 April 2007

The COMMON SEAL of
WILTSHIRE COUNCIL

Was affixed this day of 2014
in the presence of

Authorised Officer

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on and shall come into operation on

[Printed name]
Member of the Senior Civil Service
Department of Health

ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS (2007)

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist applies only to acupuncture (see section 14(8) of the Act).***

Wiltshire Council

Council

29 July 2014

Review of Proportionality and Allocation of Seats on Committees to Political Groups

Introduction

1. Following changes in the number of seats held by individual political groups on the Council, a request has been received from the Leader of the Independent group for a review of the allocation of seats to political groups.
2. This report guides the Council through the legal requirements in allocating seats to the political groups.

Review of Allocation of Seats to Political Groups

Legal Position

3. Under the Local Government & Housing Act 1989 (“the Act”) and subsequent Regulations, (“the Regulations”), the Council must review the representation of the different political groups on committees when requested to do so by a leader of a political group where changes have occurred in the size of political groups.
4. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.

Political Groups

5. There are currently 4 political groups on the Council. The respective strengths of those Groups following these changes are as follows:-

Name of Group	No. of Councillors in Group
Conservative	59
Liberal Democrat	23
Independent	11
Labour	4
Ungrouped Member	1

6. Under the regulations, two or more councillors may form and register a group.
7. This report has been prepared on the basis of the strengths of the various political groups set out in paragraph 5.

Principles

8. The Act sets out four principles which must be followed so far as reasonably practicable. They are:
 - (a) *Preventing domination by a single group:* All the seats on a committee should not be allocated to the same political group.
 - (b) *Ensuring a majority group enjoys a majority on all committees:* If one political group has a majority in the full Council, that political group should have a majority on each committee.
 - (c) *Aggregating all committee places and allocating fair shares:* Subject to the above two principles, the total number of seats on all the committees of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.
 - (d) *Ensuring as far as practicable fairness on each committee:* Subject to the above three principles, the number of seats on each committee of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.

Application of Principles

9. The Council must review the establishment of its committees in accordance with the principles laid down in the Act. Immediately this is done, each political group should state the names of the councillors it wishes to take its allocated places on committees, including substitutes, and when those wishes are known, the Council is under a duty to make the appointment of those councillors as soon as practicable. It is a legal requirement however that the Council formally approves the appointment of councillors to committees and therefore it is essential that each political group notifies the Head of Democratic Services of their nominated councillors to serve on committees, preferably before the Council meeting. Group Leaders may also wish to bear in mind the advantages of achieving a geographical spread of appointees.

Councillors not in a Political Group

10. In the case of councillors who are not members of a political group, a proportion of seats on committees equal to the proportion of Council members who do not belong to a political group has to be reserved, with appointments to these seats being made by the Council at its discretion.

Method to Calculate Places

11. The principles in paragraph 8 can be applied in the following sequence:

- (i) Calculate the total number of seats with votes on all the ordinary committees and any Joint Committees.
 - (ii) Calculate the proportion that each political group forms of the total membership of the Authority. Reserve an appropriate number of seats for ungrouped members.
 - (iii) Apply those proportions to the total number of ordinary committee seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” can be met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
 - (iv) Apply the proportions to the number of councillors on each ordinary committee to give provisional entitlement to seats on that committee.
 - (v) If the provisional entitlement gives only one group seats on the committee, adjust the entitlement so that the next largest group has a seat (thus applying principle (a) in paragraph 8).
 - (vi) Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) in paragraph 8).
12. The Council is free to adopt any aggregate number of places on ordinary committees so long as it follows the principles in paragraph 8 and the sequence in paragraph 11.
13. Attached to this report at Appendix 1 is a numerical guide to proportional representation on Committees based on the respective strengths of the political groups set out in paragraph 5.
14. This indicates that the net effect of the change in political group sizes is that the Independent Group gain one seat and the Liberal Democrat Group lose one seat. A draft scheme of committee places (Appendix 2) will be discussed with Group Leaders and will be submitted to Council in due course.
15. There is no effect on the allocation of seats to political groups on the Fire Authority and the Police and Crime Panel.

Matters for Decision

15. The Council is asked:
- (a) To note this report and the legal requirements.
 - (b) To confirm the aggregate number and the draft scheme of committee places available to members of the Council as set out in Appendix 2.

- (c) To make those changes to the appointment of councillors and substitutes to serve on those committees in accordance with the revised scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.

Robin Townsend
Associate Director – Corporate Functions and Procurement

Report Author: Yamina Rhouati, Democratic Governance Manager

Unpublished documents relied upon in the production of this report: NONE

Environmental impact of the recommendations contained in this report: NONE

Appendices

Appendix 1 – Numerical Guide to political proportionality

Appendix 2 – Draft Scheme of Committee Places (To Follow)

Proportional Representation Table

	Conservative	Liberal Democrat	Labour	Independent	UKIP	
	59	23	4	11	1	
1	0.602		0.041	0.112	0.010	0.77
2	1.204	0.469	0.082	0.224	0.020	2.00
3	1.806	0.704	0.122	0.337	0.031	3.00
4	2.408	0.939	0.163	0.449	0.041	4.00
5	3.010	1.173	0.204	0.561	0.051	5.00
6	3.612	1.408	0.245	0.673	0.061	6.00
7	4.214	1.643	0.286	0.786	0.071	7.00
8	4.816	1.878	0.327	0.898	0.082	8.00
9	5.418	2.112	0.367	1.010	0.092	9.00
10	6.020	2.347	0.408	1.122	0.102	10.00
11	6.622	2.582	0.449	1.235	0.112	11.00
12	7.224	2.816	0.490	1.347	0.122	12.00
13	7.827	3.051	0.531	1.459	0.133	13.00
14	8.429	3.286	0.571	1.571	0.143	14.00
15	9.031	3.520	0.612	1.684	0.153	15.00
16	9.633	3.755	0.653	1.796	0.163	16.00
17	10.235	3.990	0.694	1.908	0.173	17.00
18	10.837	4.224	0.735	2.020	0.184	18.00
19	11.439	4.459	0.776	2.133	0.194	19.00
20	12.041	4.694	0.816	2.245	0.204	20.00
21	12.643	4.929	0.857	2.357	0.214	21.00
22	13.245	5.163	0.898	2.469	0.224	22.00
23	13.847	5.398	0.939	2.582	0.235	23.00
24	14.449	5.633	0.980	2.694	0.245	24.00
25	15.051	5.867	1.020	2.806	0.255	25.00
26	15.653	6.102	1.061	2.918	0.265	26.00
27	16.255	6.337	1.102	3.031	0.276	27.00
28	16.857	6.571	1.143	3.143	0.286	28.00
29	17.459	6.806	1.184	3.255	0.296	29.00
30	18.061	7.041	1.224	3.367	0.306	30.00
31	18.663	7.276	1.265	3.480	0.316	31.00
32	19.265	7.510	1.306	3.592	0.327	32.00
33	19.867	7.745	1.347	3.704	0.337	33.00
34	20.469	7.980	1.388	3.816	0.347	34.00
35	21.071	8.214	1.429	3.929	0.357	35.00
36	21.673	8.449	1.469	4.041	0.367	36.00
37	22.275	8.684	1.510	4.153	0.378	37.00
38	22.877	8.918	1.551	4.265	0.388	38.00
39	23.479	9.153	1.592	4.378	0.398	39.00
40	24.081	9.388	1.633	4.490	0.408	40.00
41	24.683	9.622	1.673	4.602	0.418	41.00
42	25.285	9.857	1.714	4.714	0.429	42.00
43	25.887	10.092	1.755	4.827	0.439	43.00
44	26.489	10.327	1.796	4.939	0.449	44.00
45	27.091	10.561	1.837	5.051	0.459	45.00
46	27.693	10.796	1.878	5.163	0.469	46.00
47	28.295	11.031	1.918	5.276	0.480	47.00
48	28.897	11.265	1.959	5.388	0.490	48.00
49	29.499	11.500	2.000	5.500	0.500	49.00
50	30.101	11.735	2.041	5.612	0.510	50.00
51	30.703	11.969	2.082	5.724	0.520	51.00
52	31.305	12.204	2.122	5.837	0.531	52.00
53	31.907	12.439	2.163	5.949	0.541	53.00
54	32.509	12.673	2.204	6.061	0.551	54.00
55	33.111	12.908	2.245	6.173	0.561	55.00
56	33.713	13.143	2.286	6.286	0.571	56.00
57	34.315	13.378	2.327	6.398	0.582	57.00
58	34.917	13.612	2.367	6.510	0.592	58.00
59	35.519	13.847	2.408	6.622	0.602	59.00
60	36.121	14.082	2.449	6.735	0.612	60.00
61	36.723	14.316	2.490	6.847	0.622	61.00
62	37.325	14.551	2.531	6.959	0.633	62.00
63	37.927	14.786	2.571	7.071	0.643	63.00
64	38.529	15.020	2.612	7.184	0.653	64.00
65	39.131	15.255	2.653	7.296	0.663	65.00
66	39.733	15.490	2.694	7.408	0.673	66.00
67	40.335	15.724	2.735	7.520	0.684	67.00
68	40.937	15.959	2.776	7.633	0.694	68.00
69	41.539	16.194	2.816	7.745	0.704	69.00
70	42.141	16.429	2.857	7.857	0.714	70.00
71	42.743	16.663	2.898	7.969	0.724	71.00
72	43.345	16.898	2.939	8.082	0.735	72.00
73	43.947	17.133	2.980	8.194	0.745	73.00
74	44.549	17.367	3.020	8.306	0.755	74.00
75	45.151	17.602	3.061	8.418	0.765	75.00
76	45.753	17.837	3.102	8.531	0.776	76.00
77	46.355	18.071	3.143	8.643	0.786	77.00
78	46.957	18.306	3.184	8.755	0.796	78.00
79	47.559	18.541	3.224	8.867	0.806	79.00
80	48.161	18.776	3.265	8.980	0.816	80.00
81	48.763	19.010	3.306	9.092	0.827	81.00
82	49.365	19.245	3.347	9.204	0.837	82.00
83	49.967	19.480	3.388	9.316	0.847	83.00
84	50.569	19.714	3.429	9.429	0.857	84.00
85	51.171	19.949	3.469	9.541	0.867	85.00
86	51.773	20.184	3.510	9.653	0.878	86.00
87	52.375	20.418	3.551	9.765	0.888	87.00
88	52.977	20.653	3.592	9.878	0.898	88.00
89	53.579	20.888	3.633	9.990	0.908	89.00
90	54.181	21.122	3.673	10.102	0.918	90.00
91	54.783	21.357	3.714	10.214	0.929	91.00
92	55.385	21.592	3.755	10.327	0.939	92.00
93	55.987	21.827	3.796	10.439	0.949	93.00
94	56.589	22.061	3.837	10.551	0.959	94.00
95	57.191	22.296	3.878	10.663	0.969	95.00
96	57.793	22.531	3.918	10.776	0.980	96.00
97	58.395	22.765	3.959	10.888	0.990	97.00
98	58.997	23.000	4.000	11.000	1.000	98.00
99	59.599	23.235	4.041	11.112	1.010	99.00
100	60.201	23.469	4.082	11.224	1.020	100.00
101	60.803	23.704	4.122	11.337	1.031	101.00
102	61.405	23.939	4.163	11.449	1.041	102.00
103	62.007	24.173	4.204	11.561	1.051	103.00
104	62.609	24.408	4.245	11.673	1.061	104.00

	Conservative	Liberal Democrat	Labour	Independent	UKIP	
	59	23	4	11	1	
105	63.214	24.643	4.286	11.786	1.071	105.00
106	63.816	24.878	4.327	11.898	1.082	106.00
107	64.418	25.112	4.367	12.010	1.092	107.00
108	65.020	25.347	4.408	12.122	1.102	108.00
109	65.622	25.582	4.449	12.235	1.112	109.00
110	66.224	25.816	4.490	12.347	1.122	110.00
111	66.827	26.051	4.531	12.459	1.133	111.00
112	67.429	26.286	4.571	12.571	1.143	112.00
113	68.031	26.520	4.612	12.684	1.153	113.00
114	68.633	26.755	4.653	12.796	1.163	114.00
115	69.235	26.990	4.694	12.908	1.173	115.00
116	69.837	27.224	4.735	13.020	1.184	116.00
117	70.439	27.459	4.776	13.133	1.194	117.00
118	71.041	27.694	4.816	13.245	1.204	118.00
119	71.643	27.929	4.857	13.357	1.214	119.00
120	72.245	28.163	4.898	13.469	1.224	120.00
121	72.847	28.398	4.939	13.582	1.235	121.00
122	73.449	28.633	4.980	13.694	1.245	122.00
123	74.051	28.867	5.020	13.806	1.255	123.00
124	74.653	29.102	5.061	13.918	1.265	124.00
125	75.255	29.337	5.102	14.031	1.276	125.00
126	75.857	29.571	5.143	14.143	1.286	126.00
127	76.459	29.806	5.184	14.255	1.296	127.00
128	77.061	30.041	5.224	14.367	1.306	128.00
129	77.663	30.276	5.265	14.480	1.316	129.00
130	78.265	30.510	5.306	14.592	1.327	130.00
131	78.867	30.745	5.347	14.704	1.337	131.00
132	79.469	30.980	5.388	14.816	1.347	132.00
133	80.071	31.214	5.429	14.929	1.357	133.00
134	80.673	31.449	5.469	15.041	1.367	134.00
135	81.276	31.684	5.510	15.153	1.378	135.00
136	81.878	31.918	5.551	15.265	1.388	136.00
137	82.480	32.153	5.592	15.378	1.398	137.00
138	83.082	32.388	5.633	15.490	1.408	138.00
139	83.684	32.622	5.673	15.602	1.418	139.00
140	84.286	32.857	5.714	15.714	1.429	140.00
141	84.888	33.092	5.755	15.827	1.439	141.00
142	85.490	33.327	5.796	15.939	1.449	142.00
143	86.092	33.561	5.837	16.051	1.459	143.00
144	86.694	33.796	5.878	16.163	1.469	144.00
145	87.296	34.031	5.918	16.276	1.480	145.00
146	87.898	34.265	5.959	16.388	1.490	146.00
147	88.500	34.500	6.000	16.500	1.500	147.00
148	89.102	34.735	6.041	16.612	1.510	148.00
149	89.704	34.969	6.082	16.724	1.520	149.00
150	90.306	35.204	6.122	16.837	1.531	150.00
151	90.908	35.439	6.163	16.949	1.541	151.00
152	91.510	35.673	6.204	17.061	1.551	152.00
153	92.112	35.908	6.245	17.173	1.561	153.00
154	92.714	36.143	6.286	17.286	1.571	154.00
155	93.316	36.378	6.327	17.398	1.582	155.00
156	93.918	36.612	6.367	17.510	1.592	156.00
157	94.520	36.847	6.408	17.622	1.602	157.00
158	95.122	37.082	6.449	17.735	1.612	158.00
159	95.724	37.316	6.490	17.847	1.622	159.00
160	96.327	37.551	6.531	17.959	1.633	160.00
161	96.929	37.786	6.571	18.071	1.643	161.00
162	97.531	38.020	6.612	18.184	1.653	162.00
163	98.133	38.255	6.653	18.296	1.663	163.00
164	98.735	38.490	6.694	18.408	1.673	164.00
165	99.337	38.724	6.735	18.520	1.684	165.00
166	99.939	38.959	6.776	18.633	1.694	166.00
167	100.541	39.194	6.816	18.745	1.704	167.00
168	101.143	39.429	6.857	18.857	1.714	168.00
169	101.745	39.663	6.898	18.969	1.724	169.00
170	102.347	39.898	6.939	19.082	1.735	170.00
171	102.949	40.133	6.980	19.194	1.745	171.00
172	103.551	40.367	7.020	19.306	1.755	172.00
173	104.153	40.602	7.061	19.418	1.765	173.00
174	104.755	40.837	7.102	19.531	1.776	174.00
175	105.357	41.071	7.143	19.643	1.786	175.00
176	105.959	41.306	7.184	19.755	1.796	176.00
177	106.561	41.541	7.224	19.867	1.806	177.00
178	107.163	41.776	7.265	19.980	1.816	178.00
179	107.765	42.010	7.306	20.092	1.827	179.00
180	108.367	42.245	7.347	20.204	1.837	180.00
181	108.969	42.480	7.388	20.316	1.847	181.00
182	109.571	42.714	7.429	20.429	1.857	182.00
183	110.173	42.949	7.469	20.541	1.867	183.00
184	110.776	43.184	7.510	20.653	1.878	184.00
185	111.378	43.418	7.551	20.765	1.888	185.00
186	111.980	43.653	7.592	20.878	1.898	186.00
187	112.582	43.888	7.633	20.990	1.908	187.00
188	113.184	44.122	7.673	21.102	1.918	188.00
189	113.786	44.357	7.714	21.214	1.929	189.00
190	114.388	44.592	7.755	21.327	1.939	190.00
191	114.990	44.827	7.796	21.439	1.949	191.00
192	115.592	45.061	7.837	21.551	1.959	192.00
193	116.194	45.296	7.878	21.663	1.969	193.00
194	116.796	45.531	7.918	21.776	1.980	194.00
195	117.398	45.765	7.959	21.888	1.990	195.00
196	118.000	46.000	8.000	22.000	2.000	196.00
197	118.602	46.235	8.041	22.112	2.010	197.00
198	119.204	46.469	8.082	22.224	2.020	198.00
199	119.806	46.704	8.122	22.337	2.031	199.00
200	120.408	46.939	8.163	22.449	2.041	200.00