

SUMMONS

Council Meeting

Date: **29 September 2015**

Time: **10.30 am**

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

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

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

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

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

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If you have any queries please contact Democratic Services using the contact details above.

PART I

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

1 **Apologies**

2 **Minutes of Previous Meeting** (*Pages 7 - 88*)

To approve as a correct record and sign the minutes of the last meeting of Council held on 14 July 2015.

3 **Declarations of Interest**

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

4 **Announcements by the Chairman**

5 **Petitions**

5a) **Petitions Received**

No petitions have been received for presentation to this meeting.

5b) **Petitions Update** (*Pages 89 - 92*)

Report of the Democratic Governance Manager.

6 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

Questions

To receive any questions from members of the public received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Corporate Director) no later than **5pm on 22 September 2015**. 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.

POLICY FRAMEWORK

Under its Constitution, the Council is responsible for approving the Policy Framework of the Council expressed in various plans and strategies which includes the item referred to in item 7 below.

7 Statement of Gambling Principles (Pages 93 - 150)

Report by Maggie Rae, Corporate Director. Council will be advised of the recommendations of the [Licensing Committee](#) following its meeting to be held on 21 September 2015.

COUNCILLORS' MOTIONS

8 Notices of Motion (Pages 151 - 154)

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.

8a) Notice of Motion No. 24 - Highways and Streetscene maintenance Contract - Councillors Jon Hubbard and Jeff Osborn (Pages 155 - 156)

To consider the attached motion submitted by Councillors Jon Hubbard and Jeff Osborn.

8b) Notice of Motion No. 25 - Syrian Refugees - Councillors Jon Hubbard and Gordon King (Pages 157 - 162)

To consider the attached motion submitted by Councillors Jon Hubbard and Gordon King. A briefing note by Carolyn Godfrey, Corporate Director is also attached.

8c) No. 26 - Community Area Transport Group (CATG) process - Councillors Chris Caswill and Jeff Osborn (Pages 163 - 164)

To consider the attached motion submitted by Councillors Chris Caswill and Jeff Osborn

OTHER ITEMS OF BUSINESS

9 Devolution Discussions (Pages 165 - 190)

Report by Councillor Jane Scott OBE, Leader of the Council

10 Community Governance Review - Progress Report (Pages 191 - 210)

Report by Dr Carlton Brand, Corporate Director

11 **Urgent Executive Decisions taken by Cabinet** (Pages 211 - 216)

Report by Robin Townsend, Corporate Function, Procurement and Programme Office

12 **Membership of Committees and other bodies**

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

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 as listed in the Minutes Book [enclosed separately](#).
- 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 committee@wiltshire.gov.uk by 21 September 2015.
- 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 22 September 2015** 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

Carolyn Godfrey
Corporate Director and Head of Paid Service
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

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COUNCIL

DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 14 JULY 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Pat Aves, Cllr Chuck Berry, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Christine Crisp, Cllr Anna Cuthbert, Cllr Brian Dalton, Cllr Andrew Davis, Cllr Tony Deane, Cllr Stewart Dobson, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Chris Hurst, 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, Cllr Laura Mayes, Cllr Helena McKeown, Cllr Ian McLennan, Cllr Bill Moss, 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 Melody Thompson, Cllr John Thomson, Cllr Ian Thorn, Cllr Dick Tonge, Cllr Tony Trotman, Cllr John Walsh, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Roy While (Chairman), Cllr Philip Whitehead, Cllr Christopher Williams and Cllr Graham Wright

49 Welcome and Introduction

The Chairman of Wiltshire Council, Councillor Richard Britton, welcomed all to the meeting. He noted that there were a large number of members of the public in attendance, some of whom wanted to address the meeting regarding concerns regarding building developments and road safety in the Hilperton area.

Normally statements would only be taken on items that related to items already on the agenda, which this issue was not, but given the number of people interested in the item in attendance, the Chairman stated that he was happy to allow three speakers to address the meeting. He also stated that the speakers would be heard prior to other business to enable those members of the public who wished to, to leave early.

Statements were received from George Bunting, Ken McCall (Campaign for a Better Trowbridge), and Councillor Andrew Bryant (Trowbridge Town Council).

Following a vote to suspend standing orders to enable more than three speakers to vote, Graham Softley addressed the meeting. Following a request to do so, the result of the vote to suspend standing orders was recorded. The results of the recorded vote are appended to these minutes.

The issues raised in the course of the presentations included: the large number of objections to development in the Hilperton Gap; whether the Council had sufficient resources to respond to developmental pressures; the impact of the developments in West Ashton; concern over changes to speed limits in residential areas; whether the views of the residents had been adequately considered; whether the Cabinet Member Decisions in relation to some of these issues could be called in by Members to be considered at an Overview & Scrutiny Committee; concern over the preferred routes of HGVs; the need for adequate traffic calming measures; and the impact on access to open spaces.

The Cabinet Member for Highways and Transport, Councillor Philip Whitehead, was invited to respond and stated that he was happy for decision to be looked at by the Overview and Scrutiny Management Committee should it be called in; but that he had already made some alterations to the schemes to address concerns about speed limits in the area.

50 **Apologies**

Apologies for absence were received from Councillors Nick Blakemore, Mark Connolly, Chris Devine, Dennis Drewett, Jose Green, Jemima Milton, John Smale, Ian Tomes and Jerry Wickham.

51 **Minutes of Previous Meeting**

The minutes of the Meeting held on 12 May 2015 were presented.

Resolved:

That the minutes of the last Council meeting held on 12 May 2015 be approved as a correct record and signed by the Chairman.

52 **Declarations of Interest**

Councillor John Thomson declared that he had, 20 years ago, entered into a property deal with a Mr Owen Inskip - who is a consultee on Draft Chippenham Sites Allocation Plan - but that this transaction was for a property outside of Wiltshire.

53 **Announcements by the Chairman**

The Chairman, Cllr Richard Britton, and Vice-Chairman, Cllr Allison Bucknell, made announcements regarding the following matters:

- The Wiltshire residents receiving national honours in the Queen's Birthday Honours
- The Armed Forces Day Events
- The Magna Carta Celebrations: British Citizenship Ceremony and Magna Carta Pageant
- The Town Criers Competition
- The Fovant Badges Society Drumhead Service
- The Retirement of the Chief Constable for Wiltshire Police
- The Royal British Legion County Parade
- The Adult Health & Social Care Awards
- Mayor Making and Civic Celebrations
- The Wiltshire Scouting Association AGM
- The Recent Royal Visit

Additionally, Cllr Graham Payne drew the meeting's attention to the recent death of former Cllr Bill Vile. Cllr Vile had been a West Wiltshire District Councillor from 1976 -2007 in Limpley Stoke and Winsley, serving his community with dedication and commitment. In addition to being a district councillor, he was also committed to fundraising for Bath Royal United Hospital.

Finally, the Chairman outlined how we would be dealing with public participation in the meeting.

54 **Petitions Update**

A report by the Democratic Governance Manager was presented which provided details of the five petitions received for the period since the last Council meeting. It was highlighted that no requests have been received to present petitions at this meeting.

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.

55 **Public Participation**

The Chairman stated that there were a number of submissions regarding the Draft Chippenham Sites Allocation Plan and that these would be taken under that item later on the agenda.

Anne Henshaw, speaking on behalf of Charmian Spickernell, drew the meetings attention to the question regarding the centralisation of power and the concern over democratic accountability.

Cllr Jane Scott OBE, Leader of the Council, stated, in response, that whilst she disagreed with the analysis of the democratic accountability, the Council was not complacent regarding listening to concerns and taking decisions in a transparent manner, for instance the Council argued that more Local Enterprise Partnership meetings should, as they do now, take place in public and welcomed as much public input was practicable in other areas, but that she didn't agree that returning a Committee system would improve this.

Anne Henshaw, with the permission of the Chairman, additionally asked the following questions:

1. Who is the member directly responsible for environmental issues when it comes to scrutinising planning applications? A check on the Wiltshire Council web site list of Portfolio holders shows no reference to this area at all. The importance of environmental assessments cannot be underestimated and is one of the major concerns of Wiltshire residents. Who speaks for them?
2. Also, could you please list the progress that the Local Nature Partnership has made on improving the natural environment of Wiltshire and where this information can be found on the internet?
3. When are meetings of the Local Nature Partnership open to the public and where are the agendas posted?
4. Which Councillors are responsible for the following: biodiversity, rivers and water pollution, air quality?

The Chairman asked that a written be answer be provided.

56 Notice of Motion No. 22 - Grass Cutting - Councillors Terry Chivers and Jeff Osborn

The Chairman reported receipt of the above mentioned motion from Councillors Terry Chivers and Jeff Osborn worded as follows:

"This Council congratulates Councillor Philip Whitehead, and the Landscape Group on the standard of grass cutting in the County this year.

This is based on feedback from our wards".

In responding to the motion, Councillor Philip Whitehead proposed the wording of the motion be amended to read as follows:

The Chairman reported receipt of the above mentioned motion from Councillors Terry Chivers and Jeff Osborn worded as follows:

"This Council congratulates Councillor Philip Whitehead, and the Landscape Group on the standard of grass cutting in the County this year.

This is based on feedback from our wards”.

In responding to the motion, Councillor Philip Whitehead, Cabinet Member for Highways and Transport, proposed the wording of the motion be amended to read as follows:

*“This Council congratulates Councillor Philip Whitehead, and the Landscape Group **the operators and their immediate manager** on the standard of grass cutting in the County this year.*

This is based on feedback from our wards”.

Councillors Chivers and Osborn indicated that they accepted the amendment, which thus became the substantive motion.

The motion being put the vote, the meeting

Resolved

That this Council congratulates the operators and their immediate manager on the standard of grass cutting in the County this year.

This is based on feedback from our wards.

57 Notice of Motion No.23 - Special Responsibility Allowance Reduction - Councillors Jeff Osborn and Terry Chivers

The Chairman reported receipt of the above mentioned motion from Councillors Jeff Osborn and Terry Chivers worded as follows:

“Council congratulates the decision of the Prime Minister, David Cameron, not to increase ministerial salaries for the duration of the present parliament. The stated reason for this is to clearly set a public example in these hard times.

With this in mind, Wiltshire Council should follow the Conservative Government example and reconsider its own.”

In the course of the discussion, the issues raised included: the concerns of the public to get value for money; that public sector employees would be getting an annual 1% pay rise over a 4 year period; that individual Councillors can opt to receive a reduced amount of allowances; how the numbers of Cabinet Members and Portfolio holders had impacted on the overall cost of the scheme; and the impact of the Members Allowance Scheme in allowing people who are still in paid employment to become Councillors.

Having been put to the vote, the motion was not passed.

58 Draft Chippenham Site Allocations Plan

Prior to the presentation of the report, the Chairman invited questions and statements from the public and councillors. The Chairman drew the meeting's attention to the questions and answers circulated in the supplement to the agenda, and asked if those present had any supplementary questions.

Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste stated, in response to a supplement to Question 9 from Richard Hames, that should the opportunity for development to come forward, that development should, according to the viability assessment, be able to provide sufficient financial contribution to fund the road. However, should the opportunity occur to apply for funding from central government the Council would consider it.

Councillor Sturgis stated, in response to supplements to Questions 27 and 32 from Helen Stuckey, that he had suggested that alternative proposals could be put forward, but that these had been considered and that he was satisfied as to the soundness of the plan's proposals overall.

Councillor Sturgis stated, in response to a supplement from Kim Stuckey, that he was unable to give a guarantee that there would be no proposals for development in the Marden Valley in the future.

Councillor Sturgis stated, in response to a supplement from Kim Stuckey, that whilst it is true that circumstances can and do change, the Council had to submit their report based on the best evidence available at the time. The Secretary of State would appoint an Inspector to consider that evidence and the soundness of the proposals based on it.

Ian James made a statement, circulated with the meeting papers, where he emphasised his concerns regarding the impact of the proposals.

Councillor Sturgis responded to supplementary questions from Councillor Chris Caswill as follows:

- That the decision to write to developers was made in accordance with the Council's policy.
- That roads suggested in the proposals were needed.
- That the traffic assessment had been a high level assessment; that more detailed work would be done during the planning application stage; and that Highways England had confirmed that they were satisfied with the model.
- That the link road should result in a net reduction in the amount of traffic going down Station Hill.

- That there was not a separate decision to award Atkins the contract for the work and they were asked to undertake the work in accordance with their existing contract.

Councillor Sturgis, as the responsible Cabinet Member, then presented the report, including a supplement circulated on the 10 July 2015. The Chairman drew Council's attention to the recommendations of Cabinet which had considered the matter at its meeting on the 9 July 2015.

Councillor Sturgis proposed, subsequently seconded by Councillor Fleur De-Rhé-Philipe, that the recommendations of Cabinet made on the 9 July 2015 be adopted by Council with the following amendment to resolution one.

To approve the Plan together with the Proposed Changes, subject to the omission of the new text in change no. 17, for the purpose of Submission to the Secretary of State subject to amendment in.

Councillor Chris Caswill, Chippenham Monkton Division, proposed amendments to the plan.

The Chairman stated that the meeting would adjourn for lunch, which would enable to advice to be sought regarding the implications of the amendments.

The meeting reconvened at 14:15.

The meeting considered the following motions tabled by Councillor Chris Caswill:

Amendments to the CSAP motion (text changes underlined)

1. **add** to the first recommendation, after "Proposed Changes" : "together with an amendment to Change 6 to para 4.3 of the Plan, which will now read as follows:

"However, figures for housing supply are constantly changing, for example, since these were first published a further large site at Hunters Moon has been granted permission subject to the signing of a Section 106 Agreement. **Figures also take only limited account of brownfield sites identified in Core Policy 9 of the Wiltshire Core Strategy and the Chippenham Central Area Master Plan such as redevelopment proposals at Langley Park. In this latter case, no account has been taken of the landowner's intention to increase the housing provision by at least 150 homes. Nor has account has been taken of the likely development of the Chippenham former police station site or of any forecast windfall developments. It has been judged preferable to prioritise development on greenfield sites and the** latest housing land supply statement therefore reaffirms that the residual requirement at Chippenham is now at least 1,935 homes."

2. **add** to the first recommendation, after "Proposed Changes" : "together with an additional change to para 4.21 of the Plan, which will now read as follows:

4.21 Area C (as indicated on figure 2.2), east Chippenham, represents the third preferred area. This area, especially north of the cycleway, represents an area that is open and, like Rawlings Green, will have a wider landscape impact. It is recognised that the large-scale development proposed in these two areas will result in the irreversible loss to Chippenham and to Bremhill Parish of the highly prized environment of the Avon and Marden Valleys . It is also recognised in the attached Flood Risk evidence is that the selection of Area C will bring development in the area of highest flood risk. In the absence of a sequential flood risk assessment originally requested by the Environment Agency and any independent hydrological survey, the selection of this strategic site depends on the promised ability of Sustainable Urban Drainage Systems (SUDS) to deliver the improved runoff objective. This is a significant increase in the risk that this Plan will fail to deliver the required housing numbers. In any event, considerable work will be needed to avoid increased flood risks to the Town and elsewhere. On the positive side, the Plan has relied on a study commissioned by the the developers promoting area C, and their assurance that development should reduce rather than increase such risks. This area has no obvious features that form a logical natural boundary. The chosen site option creates a new potential boundary by taking a new distributor road to form a landscaped corridor that would provide visual containment following a similar approach used for the existing Pewsham area in the south of the Town and as proposed at North Chippenham.

3. **add** to the first recommendation, after "Proposed Changes" : "together with an additional change to the end of para 4.21 of the Plan, which will now read as follows:

The site identified at East Chippenham could accommodate approximately 850 new dwellings and approximately 20ha of land for employment use, partly recognising this will contribute to meeting employment land needs beyond 2026. However, as made clear in 4.20 above, only 450 dwellings are required in order to meet the Chippenham target, and that number will in any event constitute an oversupply once brownfield and windfall figures are taken into account. Area C will therefore be expected to deliver only 400 dwellings. As a part of its mixed-use development it will provide a distributor standard road crossing to the River Avon and complete an Eastern Link Road for the town connecting the A4 to the A350, mitigating much of the congestion that would otherwise occur.

Later sections of the Plan will be amended to reflect this change.

4. **Add** to the first recommendation, after "Proposed Changes" : "together with an amendment to the first sentence of paragraph 4.12 of the

attached Consultation Statement, which removes the reference to "a protest group" and now reads: "Two lengthy responses were received from a residents' group, Campaign Against Urban Sprawl in the East (CAUSE 2015) which argued that the Plan allocations CH2 (Rawlings Green) and CH3 (East Chippenham) were unsound in terms of the six selection criteria."

5. **Add** to the authorisation of the Associate Director for Economic Development and Planning a new first section: "carry out (1) an immediate independent Review of the Transport evidence to ensure that it is adequate for the purpose and has not damagingly underestimated the traffic impact on Station Hill and Cocklebury Road and the Chippenham town centre.

And, should that review raise significant questions about the soundness of the underpinning evidence, bring it to Cabinet, to allow reconsideration prior to submission to the Secretary of State.

6. **Add** to the authorisation of the Associate Director for Economic Development and Planning a new additional section: "carry out (1) an immediate independent Review of the Sustainability Appraisal evidence to ensure that it is adequate for the purpose and has not (along with the Transport evidence) unsoundly undervalued the potential contribution of Area D to the Chippenham Site Allocation requirements.

And, should that review raise significant questions about the soundness of the underpinning evidence, bring it to Cabinet, to allow reconsideration prior to submission to the Secretary of State.

Motion 4 was accepted as a friendly amendment and formed part of the substantive motion.

Having been put to a vote, motions 1, 2, 3, 5 and 6 were lost.

Issues raised in the course of the presentation and discussion included: that a large response had been received in the consultation period; the ongoing concerns of some members of the community; the benefits of having plan-led development; that the same evidence can be interpreted differently; the implications of the proposals in relation to flooding and traffic; how the criteria upon which each of the sites was assessed against was arrived at; that it was anticipated that the plan would be submitted to the Secretary of State at the end of July and that they would appoint an inspector to examine the plan; and the potential benefits for Chippenham arising from plan.

Having been debated and put to a vote, the meeting:

Resolved

- (i) **To approve the Plan together with the Proposed Changes, subject to the omission of the new text in change no. 17 and the incorporation of the text suggest in amend four above, for the purpose of Submission to the Secretary of State subject to amendment in (ii)**
- (ii) **To authorise the Associate Director for Economic Development and Planning in consultation with the Associate Director for Legal and Governance and the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to:**
 - (a) **Make any necessary minor changes to the Plan through the Schedule of Proposed Changes in the interests of clarity and accuracy before it is submitted to the Secretary of State;**
 - (b) **Make appropriate arrangements for submission of all documents relating to the Plan, including supporting evidence such as the Equalities Impact Assessment, to the Secretary of State; and**
 - (c) **Implement any consequential actions as directed by the Inspector relating to the Examination.**

Admin Note: a summary of the results of the recorded votes made in accordance with this discussion are appended to these minutes.

59 **Statement of Community Involvement**

Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, presented a report, including a supplement circulated on the 10 July 2015. The Chairman drew Council's attention to the recommendations of Cabinet which had considered the matter at its meeting on the 9 July 2015.

Councillor Sturgis explained how the document was proposed to be revised since its first version published in 2010.

Resolved

- (i) **To authorise the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, to make any further necessary minor changes in the interest of clarity and accuracy; and**
- (ii) **To formally adopt the Statement of Community Involvement Update as amended by (i).**

60 **Standards Committee Recommendations on Changes to the Constitution**

Councillor Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance and Support Services presented a report which asked the meeting of Council to consider recommendations of the Standards Committee on changes to the Constitution.

Following a proposed amendment by Councillor Julian Johnson, regarding Councillor's Questions, concerns were raised that this proposal had not been agreed at the Constitution Focus Group or Standards Committee. The Chairman agreed to a short adjournment to discuss the implications and wording of the proposed amendment.

Following the reconvening of the meeting, the following proposals were discussed and the meeting;

Resolved

- 1. That Council approve changes to Part 4 of the Constitution in relation to public disturbances, recorded voting, the 'State of Wiltshire' debate and Councillors' Questions, as shown in the attached tracked change document at Appendix 4. - subject to changes to clarify members may indicate prior to a meeting that they do not wish to ask a supplementary question, and that this will not count toward the limit of 20 to be received at the meeting, and to add to para 3 of the councillor question procedure note.**
- 2. That where a question submitted relates solely to operational issues the Member will be so informed, and such a question will be forwarded to the appropriate Head of Service or Director for a response. Such a question will only then be submitted if the Member either does not receive a response or has not received a response which the Member considers satisfactory.**
- 3. That Council approve changes to Protocols 1 and 2 of the Constitution, to include their integration into a single protocol and the renumbering of subsequent protocols, and an update to Part 2 of the Constitution, as shown in the attached tracked change document at Appendix 5.**
- 4. That Council approve changes to Protocol 7 of the Constitution as shown in the attached tracked change document at Appendix 6.**
- 5. That Council approve changes to Protocol 9 of the Constitution as shown in the attached tracked change document at Appendix 7.**

6. That Council approve changes to Protocol 11 of the Constitution as shown in the attached tracked change document at Appendix 8.

61 Changes to Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and s.151 Finance Officers

Councillor Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance and Support Services presented a report which informed Council of the requirement to amend the Council's standing orders in relation to the Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and s.151 Finance Officers following the coming into force on 11 May 2015 of *the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015*.

Resolved

That Council delegate authority to the Monitoring Officer to amend the Council's Standing Orders to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as detailed in the report.

62 Annual Report on Treasury Management 2014/15

Councillor Richard Tonge, Cabinet member for Finance, presented the Annual Report on Treasury Management for 2014/15. In his presentation, Councillor Tonge made reference to the fact that the Cabinet received reports on Treasury Management throughout the year; that some minor changes had been taken under delegated authority, to take into account some regulation changes; and how this conformed with the strategy agreed by Council.

Resolved

That Council note:

- a) The Prudential Indicators, Treasury Indicators and other treasury management strategies set for 2014-15 against actual positions resulting from actions within the year as detailed in Appendix A; and**
- b) The investments during the year in the context of the Annual Investment Strategy as detailed in Appendix B.**

63 Local Pension Board Update

Councillor Richard Tonge, Cabinet member for Finance, presented the report which proposed nominations to the two employer representatives vacancies on the Local Pension Board.

Resolved:

To approve the following appointments as employer representatives on the Local Pensions Board:

- **Councillor Christopher Newbury – Wiltshire Council**
- **Kirsty Cole – Swindon Borough Council**

64 Membership of Committees and Appointment of Chairman/Vice-Chairman of Committees

The Chairman invited Group Leaders to present any requests for changes to committee membership in accordance with the allocation of seats to political groups previously approved by Council.

Following requests made by Councillor Jane Scott OBE, Leader of the Conservative Group.

Resolved

- 1. That Councillor Paul Oatway be appointed Vice-Chairman of the Standards Committee in the place of Councillor Jerry Wickham;**
- 2. That Councillor Bill Moss be appointed as a substitute member of the Wiltshire Pension Fund Committee in the place of Councillor Christopher Newbury**
- 3. That Councillor Jacqui Lay be appointed to the Corporate Parenting Panel in the place of the vacant Independent Group Place.**

65 Minutes of Cabinet and Committees

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book

There being no questions or issues raised on the minutes it was;

Resolved:

That the minutes of the circulated Minutes Book be received and noted.

66 Councillors' Questions

The Chairman reported receipt of questions from Councillors Terry Chivers, Chris Hurst, Helen Osborn and Chris Caswill, the details of which were circulated in Agenda Supplement No. 1 together with responses where available from the relevant Cabinet member.

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

was noted that where relevant, Councillor Chris Caswill's questions regarding the Draft Chippenham Site Allocations Plan had been taken under that item earlier on the agenda.

Question 3 – Councillor Philip Whitehead stated, in response to a supplementary question from Councillor Chris Hurst, that a temporary building could be erected on site, but that once the works ceased it should be removed.

Question 17 – Councillor Jonathon Seed stated, in response to a question from Councillor Chris Caswill, that since 2010 the Council had not had a policy of using B&Bs to house families and that this would only happen for one off stays on a temporary basis to enable permanent accommodation to be arranged.

(Duration of meeting: 10:30 - 16:42)

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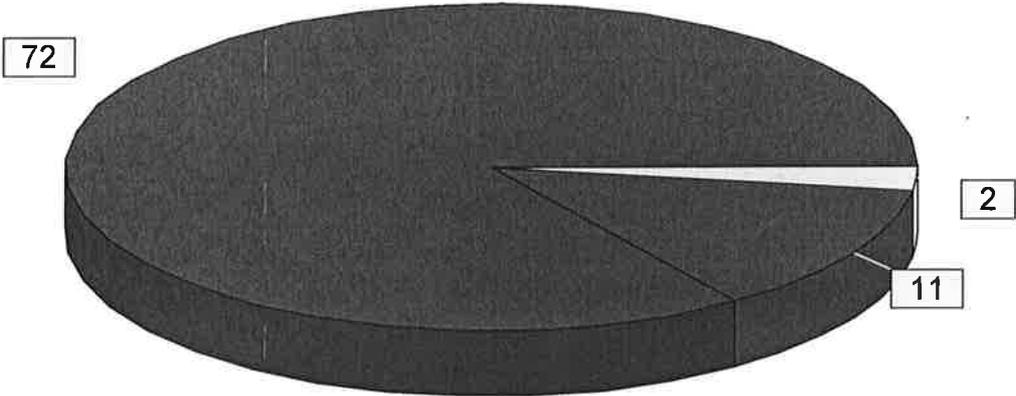
Minute Item 49

14/07/2015

10:45:47

Voting 1/1 - Vote - 14/07/2015 10:45:34

Proposal to suspend standing orders in relation to public speaking fo the statements in the Hilperton



Confirmation presences: 87

Yes	: 72
No	: 11
Abstained	: 2

14/07/2015

10:51:36

Voting 1/1 - Vote - 14/07/2015 10:45:34

Confirmation presences: 87

Yes	: 72
Cllr Alan MacRae (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Anna Cuthbert (C)	: 1
Cllr Bill Douglas (LD)	: 1
Cllr Bob Jones MBE (LD)	: 1
Cllr Brian Dalton (LD)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Chris Caswill (Ind)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Christine Crisp (C)	: 1
Cllr Christopher Newbury (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr David Jenkins (LD)	: 1
Cllr David Pollitt (UKIP)	: 1
Cllr Desna Allen (LD)	: 1
Cllr Dr Helena McKeown (LD)	: 1
Cllr Ernie Clark (Ind)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Glenis Ansell (LD)	: 1
Cllr Gordon King (LD)	: 1
Cllr Graham Payne (C)	: 1
Cllr Graham Wright (Ind)	: 1
Cllr Helen Osborn (Ind)	: 1
Cllr Horace Prickett (C)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Ian McLennan (Lab)	: 1
Cllr Ian Thorn (LD)	: 1
Cllr Ian West (LD)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Scott OBE (C)	: 1
Cllr Jeff Osborn (Ind)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr John Noeken (C)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr John Walsh (Lab)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Leo Randall (C)	: 1
Cllr Linda Packard (LD)	: 1
Cllr Magnus Macdonald (LD)	: 1
Cllr Mark Packard (LD)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mike Hewitt (C)	: 1
Cllr Nick Fogg MBE (Ind)	: 1
Cllr Nina Phillips (C)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Peter Edge (LD)	: 1
Cllr Peter Evans (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Gamble (C)	: 1

14/07/2015

10:51:36

Voting 1/1 - Vote - 14/07/2015 10:45:34

Cllr Richard Tonge (C)	: 1
Cllr Ricky Rogers (Lab)	: 1
Cllr Rosemary Brown (LD)	: 1
Cllr Roy While (C)	: 1
Cllr Russell Hawker (Ind)	: 1
Cllr Sheila Parker (C)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Simon Killane (Ind)	: 1
Cllr Stephen Oldrieve (LD)	: 1
Cllr Stewart Dobson (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Terry Chivers (Ind)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Trotman (CON)	: 1
Cllr Trevor Carbin (LD)	: 1

No : 11

Cllr Bill Moss (C)	: 1
Cllr Charles Howard (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr John Knight (C)	: 1
Cllr Julian Johnson (C)	: 1
Cllr Keith Humphries (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Richard Britton (C)	: 1
Cllr Richard Clewer (C)	: 1
Cllr Stuart Wheeler (C)	: 1

Abstained : 2

Cllr Alan Hill (C)	: 1
Cllr Tony Deane (C)	: 1

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Birthday Honours

The Chairman announced that a number of Wiltshire residents had received national recognition in Her Majesty's Birthday Honours' List in June.

A **CB** was awarded to:

Mr. Peter Worrall from Chippenham, for services to Defence.

CBEs were awarded to:

Mrs. Teresa Dent from Salisbury, for services to Wildlife Conservation.

Mr. Peter Troughton from Swindon, for services to Business, Education and Culture.

OBEs were awarded to:

Dr. Sidney Alford from Corsham, for services in to Explosive Ordnance Disposal Technology.

Mrs. Lauren Costello from Swindon, for services to Education.

Dr. James McGilly from Salisbury, for services to Defence.

MBEs were awarded to:

Miss Amanda Butcher from Malmesbury, for charitable services.

Mr. Trevor Cox from Calne, for services in support of Military Operations.

Mrs. Alison Pendle from Trowbridge, for services to Special Educational Needs and Disabilities.

Lieutenant Colonel John Poole-Warren from Pewsey, for services to the Army.

Mr. Joseph Studholme from Salisbury, for services to Museums.

BEMs were awarded to:

Mrs. Jennifer Brisker from Pewsey, for voluntary and charitable services.

Mrs. Caroline Fowke from Chippenham, for services to Children with Special Educational Needs and Disabilities.

Mrs. Monica Moreton from Marlborough, for services to Young People through the Girl Guiding Movement in Albourne.

Ms. Maurizia Quarta from Pewsey, for services to Children and Families.

Mr. Richard Steel from Salisbury, for services to the community and to charity in Winchester, Hampshire.

Councillors Peter Edge and Paul Oatway, at the meeting, drew attention to the following Wiltshire residents who had also received honours:

Mr. Rudolph Markham had received the CMG for services to the Foreign and Commonwealth Office; and

Acting Lieutenant **Colonel Jeremy Mawdsley**, Royal Regiment of Artillery received an MBE.

The meeting joined the Chairman in congratulating them all on receiving national recognition.

Statement to Wiltshire Council on the Chippenham DPD

From Ian James

14th July 2015

Background

Bremhill parish is a settlement to the east of Chippenham, of 394 houses and 970 residents. It is a large rural parish that once boasted 40 dairy farms. There are now just 3 supplying milk to Cadburys and Waitrose. With over 600 milkers and 400 others on the farms they take some feeding. Much of the local economy is agricultural based supporting the three dairy herds and other smaller farms.

The Council proposes to concrete over 300 acres of green belt farmland to build up to 2,600 houses in partnership with Chippenham 2020 (although only 850 are proposed in the C1 development, C2 will follow)

Farmers have to buy and rent land outside the parish to feed their cattle, Can this be right?

Tourism is also key to the local economy, walkers, and cyclists holiday happily in the parish visiting the local sights including Maud Heath's Causeway the oldest footpath in the world. The landscape of the Avon and Marden valley is unique.

The River Marden is one of the best coarse fishing rivers in the south of England.

The Council states its proposal to you today is sound. The consultation period has proved that parts of the Chippenham DPD are factually wrong, inaccurate, and misleading. I would ask that you reject the proposal from

the Chair, and propose the Council looks to other areas available that will have less impact, and provide better value for money to the taxpayer.

This is a statement on behalf of Bremhill Parish Council. The parish council is in the process of completing a Neighbourhood Plan, and a survey undertaken in the parish to evaluate many aspects of life found that 88% of those interviewed wanted to maintain green space between the villages and the towns of Calne and Chippenham. Of the 394 properties in the parish 187 responded to the questionnaire, giving a return of 47%.

The parish council therefore has a mandate under the Localism Act to protect this green space for the wildlife and recreation for those living in Chippenham, Calne and importantly visitors to our county.

The proposed Chippenham DPD for land to the east of Chippenham has been put forward with three aims to provide a country park alongside the River Avon, to provide 850 homes, and to provide a river crossing over the river Avon.

On the first point, the land to the east of Chippenham of which 50% is part of Bremhill parish already has public footpaths across the River Marden and Avon valleys. It has a dedicated cycle route, the North Wiltshire Rivers cycle route, which provides visitors and local people with an opportunity to come into the countryside. The route is suitable for mobility scooters, giving disabled and the elderly a safe passage to enjoy fresh air and views towards Cherill, Maud Heath's monument at the top of Wick Hill, and

views to Lyneham Banks. There is no need to create a Park, as it already exists. That experience will be lost to the public. Where else in the county can disabled, and young venture safely on a cycle route into the countryside. If the Council has its way those visitors will pass through 40 acres of employment land, and have to cross a major link road carrying HGV's, and other vehicles, air and light pollution will suffer.

The leader of the Council quite rightly suggested that rather than be negative regarding the Chippenham DPD, alternative sites should be suggested. Other sites have been suggested, but the council has incorrectly assessed those other sites, and shown site C as the favoured site. It appears to have ignored site D almost in its entirety. BUT it is close to Abbeyfield school, it is adjacent to Pewsham way, and has little impact on the countryside.

At the Cabinet meeting on 9th July it was pointed out that the traffic survey had double counted traffic in favour of site C. This makes this evidence UNSOUND. You are asked to judge the facts on the evidence supplied today, not in 2 months time as has been suggested by cabinet. In any judicial presentation if one side fails to present the correct evidence the case is dismissed. I suggest you consider the same.

There is no denying that housing needs to be built, but to build on two farms and lose a total of 300 acres of farmland alongside the river Marden and Avon is a high risk strategy. Flooding of Chippenham Town and those farms upstream is a serious risk, when there are other sites, which score more

favourably. Why has the council selected the highest flood risk site? You may well want ask the cabinet?

The land is clay and does not drain, the water table is high most of the year, and the site is adjacent to a flood plain. The Council is intent on developing here, but it will require two bridges to be built, one over the Great Western railway line just east of Chippenham, and the second over the river Avon, at the confluence of the river Marden. These would connect with a north eastern link road. The bridge would be 49 metres above sea level, and span 500 metres of flood plain.

Where is the money coming from to build this infrastructure?

This site is adjacent to a SSSI. This will be a huge concrete blot on the landscape, and will destroy this landscape forever.

Why do we want a NE link road? Chippenham does not need a NE link road. A southern link road will link the newly dualled A350 with the A4 across one bridge, and on a shorter route. This road will connect the east with the business community to the west of Chippenham and in Corsham and relieve traffic in the town. This provides better value for money. The only reason the Council is pushing for the NE link road is to remove the 6,000 cars that will be resident as part of the final development. Even the developer's traffic consultants admitted that most of the car journeys will be residents. Please do not be taken in by the Planning Departments desire to build a NE link road, this

will be for the developers benefit not Chippenham Town. A southern link road is the best value for money, and is shorter, and it has one bridge crossing, and achieves exactly the same benefits promoted by Chippenham 2020.

One clear statement made by Chippenham 2020 from their website “If there is no North East Link road there will be no development in Chippenham Town”

I’ll just repeat that “If there is no North East Link Road there will be no development in Chippenham Town” You may interpret that statement as you wish.

Housing can be accommodated on sites D, A, & E. There would be no need to concrete over the valuable landscape of the river valleys.

Residents in Monkton Park Chippenham and surrounding parishes have suffered from flooding in recent years. 2012, 2013, and 2014. In Bremhill parish a farmer lost 80,000 chickens at Foxham when the Avon flooded on 24th December 2013.

Shops in Chippenham were flooded. Roads were closed and many had difficulty getting to and from work for 2 – 3 days.

In 1474 Maud Heath left a bequest to the people of Bremhill, this was to be used to provide a foot crossing to cross the River Avon to allow the farmers to get their goods to market. The path, and crossing are still there today, and is the oldest private footpath in the world. It is still used today for people to get to Chippenham if the Avon floods, those on cycle, motor bike or horseback can take advantage as cars are left stranded in the water. This crossing is about 1km upstream from the proposed development. 600 years ago Maud Heath

recognized the threat of the River Avon, why has the Council not recognized the same the same threat.

The proposed development is on flood zone 1 but adjacent to flood zones 2 & 3.

The Council promised a Flood Risk Assessment 2 at the start of the DPD process, but this was soon downgraded to an FRA 1, this does not require a sequential test. Had an FRA 2 been undertaken it would have directed development to another safer site.

It is clear that the Council wants to develop at C1, and it will adjust the criteria to ensure that C1 is put forward to the Inspector in September.

What is the evidence? The traffic survey has been completed with a favourable emphasis for site C, when Site D clearly scores better

Site C scores the worst for flood risk, the Council reduced the criteria to allow site C to go forward, rather than another safer site be selected.

Site C has been selected even though two experience flood Council officers have expressed reservations on the building to the east. The parish council has written emails from both officers. (Submitted today for evidence for the EIP in September)

And what is all the more concerning the Council has an agreed memorandum of understanding with Chippenham 2020 that the Council will accept the Chippenham 2020

flood report submitted by Waterman in 2012. Why has the Spatial Planning Department agreed to this arrangement?

Council officers should propose that an independent report is conducted if the proposal to delay the submission of the DPD for Chippenham.

There were changes put into the Wiltshire Core Strategy Schedule proposed modifications August 2013 on FRA.

At the cabinet meeting on 9th July the Spatial planning team stated no changes were made to the core strategy to down grade the FRA.

Changes were made:

Changes made at SCG 21

Changes made at SCG 22

Appendix A HS121 where clearly it shows that the sequential test is deleted.

Why? As stated a sequential test would have required the Council to move the site to a less risky site, which would have been any of the other four nominated sites.

This clearly makes the choice of this site UNSOUND.

Although the Environment Agency has agreed for the plan to go forward, there is a caveat that a suitable engineering solution be found to prevent run off into the Rivers Avon & Marden.

Should this solution have been modeled prior to going forward to the Inspector in September?

In view of the geological make up of the ground there is a strong possibility this engineering solution will not hold back all the run off water from entering the rivers Avon and Marden.

We heard at the cabinet meeting that the land at Hardens Farm has been subject to recent land drains. So allowing water from the SuDs to flow down to the flood plain will mean that this water will be quickly drained into River Avon. The removal of the drains will mean the land becoming a marsh and not suitable for a riverside park. The Council is unaware of this additional drainage, which will make the implementation of an effective drainage solution even more challenging.

An EA representative on the Flood Working Group expressed reservations on the number of houses being built. (See statement from Willaim Bailey, member of the Flood Working Group)

We have been told that SuDS (Sustainable Urban Drainage Units) will be used.

Research shows that SuDS will fail 50% of the time in winter months, and 20% of the time in Summer months.

This will put Chippenham Town and the surrounding countryside at risk.

The developer will build to within 75 metres of the river Marden, one of the best coarse fishing rivers in southern England. Calne fishing club have fished this stretch of the

river for 40 years, they state that if development goes ahead it will be a disaster for the fishing and the wild life.

Any proposed development will add light and noise pollution into the valley, and in time water pollution as fuel, oil, and plastic will enter the rivers. The river Marden water is classed as pristine, and brown trout, Babel and other fish can be found here.

There are flaws in the Council's plan and this is fully explained in the CAUSE 2015 document which can be accessed on the CAUSE 2015.org website.

The Scott Wilson Flood report identified the land to east of Chippenham as being Oxford and Kellaways Clay and that several years of hydrological testing should be completed before development takes place. The Council will rely on a Flood report undertaken by the developer! We consider that Scott Wilson or another independent Flood engineering company should carry out an independent assessment. And that the Council should engage Scott Wilson to undertake an independent FRA of areas B & C. The cumulative run off from both sites alongside the River Avon could have a serious impact on Chippenham Town, and those downstream

Sir John Pitt (who reviewed the recent flooding in the South West) expressed a concern for the river Avon in the Chippenham area, "The river runs very deep, and is fast flowing, it rises very quickly."

It was admitted at the March Council meeting that the Spatial Planning Team had not read the National Planning Framework Policy Document (Technical) on Climate Change. *This is a major failing when considering building eventually 2,600 houses alongside the River Avon & Marden. It is possible the developer will need these numbers to pay for the bridges and infrastructure. The NPPF document states that river levels will rise by 10% and the flow will increase by 20% over the next 20 years. This will threaten Chippenham and the surrounding countryside before any development is built. How can the Spatial Planning Team miss this evidence, or may be it was convenient not to take note of it.*

Common sense says, do not build to the east of Chippenham, the evidence says do not build to the east of Chippenham, you as Councillors can say no to building to the east of Chippenham, this is your opportunity today to act on behalf of Localism, and preserve the countryside for future generations.

The evidence to build to the East of Chippenham is **unsound**, the Council will tell you otherwise, but if you have read the CAUSE2015 document you will see how badly flawed the Chippenham DPD proposal is.

There are other areas where housing can be sited, without losing valuable landscapes, and recreation for local people.

Development at Site C will threaten Chippenham Town, and the surrounding countryside with flooding, and pollution.

Development at site C will destroy a valuable wildlife habitat at the River Marden.

Development at site will destroy the landscape and two productive farms.

There are serious errors in the Chippenham DPD, the cabinet has admitted that there needs to be a further meeting with the Transport officer, and the Environment Agency in September. **This will be too late for Bremhill parish, and future generations. Do not be swayed to pass the Council's proposal.**

It is better to get the plan right than submit a weak and risky plan to the Inspector to have it rejected. It was rejected last time, because the traffic survey was challenged. We have found the errors before the QCs this time. Please reject this Plan as unsound as it has been shown here and in supporting documentation from CAUSE 2015.

It is clear that the developer Chippenham 2020 is in the driving seat, and has cornered the Council. It is in your power to say NO to the developer, take him off the road and allow the Council to look at a safer, and a less damaging site.

This is your opportunity to exercise democracy in Wiltshire, and support David over Goliath.

Proposal: Delay submission to the Inspector, and request the Spatial Planning Team to find an alternative site to accommodate additional housing.

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Public Participation

Questions from Mr Richard Hames to Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste

These questions have been updated following the responses to questions previously asked of the Cabinet at their 09.07.15 meeting

1. Question 1 was withdrawn by Mr Hames after submission following the meeting of Cabinet on 9 July.
2. Do all Cabinet members agree that there is not a single objection to the soundness of the plan in the CAUSE2015 responses, or in the other 568, which justifies consideration of the draft Plan at Cabinet?
3. The CAUSE 2015 response to the Site Allocation draft set out reasons why the application of each of the six criteria for site selection was unsound. Why is there no detailed contrary evidence in the Cabinet papers? How can the consultation process be justified if it does not produce a genuine examination of the evidence for and against?
4. It is our /my recollection that the Cabinet member for Spatial Planning has on more than one occasion said that the consultation process requires those who would object to the proposed Strategic Sites to point to alternatives. Will he confirm that? If correct, why has so little attention being given to the argument that the choice of sites B and C is unsound?
5. Given that the Barrow Farm site is located within Area A, and that an interest in developing on that site has been declared for at least five years, why has so little attention being given to the potential for that site to provide a significant housing contribution - particularly since the site scores well on the flooding criterion and does not require any additional major building? Is the omission of this site simply a matter of political preference?
6. Why has the council not put forward any of its land in area D? Is this because the council wishes to hold that land back until the next round in 2025?
7. In document 6 para 44 the council rely on SUDs to prevent flooding. Could the Cabinet please comment on the following on the website of ACO:

"ACO has unrivalled experience in designing, creating and advising on fully-integrated and sustainable surface water management systems. Whatever your requirements, we can help you deliver an effective SuDS solution and support you with best practice, relevant information and dedicated resources on an ongoing basis.

Though conceptually desirable, practical provision of interception has proven problematic in certain circumstances, where for example, infiltration potential is low or impermeable surface area is relatively large. ACO has worked alongside sustainable drainage experts - HR Wallingford to further explore how interception might be achieved in problematic but increasingly typical scenarios. The study evolved from consideration of large urban commercial car parks which encouraged interest from supermarket operators – ASDA, Sainsbury's and Tesco.

An early outcome has been the production of a practical methodology by which interception might be evaluated. Rather than absolute prescription the methodology presents an inherently flexible approach based on statistical performance of SuDS components, accepting that interception will not always be possible. The approach indicates that interception is viable for a variety of techniques for up to 80% of events in the summer and 50% during wintertime."

This makes it clear that even a company at the forefront of SuDS acknowledges that at least 20% of events in the summer and 50% during wintertime will not be protected. They mean run off will be worse than if the land had been left as grass.

Will the Cabinet ignore such advice, and if so, why?

8. .In various places in the Cabinet papers the council has changed from "building" 400/750 houses by when certain works must be completed by to "occupied". Why was this not changed in document 6 para 47? Do the Cabinet not think that a developer will deliberately hold back the sale of the 400th and 750th house so as to delay infrastructure?
9. What happens if LEP funding is not available for the eastern link road? In such case will the developer still have to provide 40% low cost housing and the increased CIL payments?

Following a response provided at Cabinet on 9 July, this question has been updated thusly:

Will the Cabinet please confirm that no LEP funding will be used in connection with building the eastern link road, if it is approved in due course?

If despite the Cabinet answer LEP funding is obtained then:

When will an application be made?

When will it be repaid?

How will it be repaid?

Please confirm that repayment of such sums will not reduce the number of affordable houses required on the site.

10. Please confirm that the council will support the Bremhill Neighbourhood Plan in its request for a local green space along the River Marden - (this question was substituted for that previously submitted following the meeting of Cabinet - please see Cabinet reply page 63 response 5.)
11. What sites will be used for self build? What number of self build houses are the council providing for? When will they be available for building?
12. The documents encourage brownfield sites. Has the additional 150 homes on Langley Park, which the new developer wants to be built, been included? If not, why not given the aim of building on brownfield sites.
13. Will the eastern link road be a standard distributor road? If yes, please define a standard distributor road. Could a standard distributor road include a dual carriageway? Could it include a Poundbury type winding road as proposed by Chippenham 2020?

Response:

2. The reason for the draft Plan being reconsidered by Cabinet is set out in the covering report at paragraph 29.
3. It is considered that the reasons presented by CAUSE2015 while setting out an argument do not introduce fundamentally new evidence to demonstrate that these alternative sites should come forward. Instead CAUSE2015 disagrees on the interpretation of the evidence in order to justify the alternative proposals suggested. The 'Site Selection Report (February 2015)' sets out the Council's position on why the proposals in the Plan are considered to be appropriate. This has given consideration to the proposals presented by CAUSE2015.

Submission of the Plan to the Secretary of State invites an independent inspector to consider the CAUSE 2015 response along with all others and carry out an examination in public into the soundness of the Plan (see paragraph 34 of the Cabinet report). This is the appropriate arena, as set down in regulations, to consider evidence. At this point the Council has reviewed consultation responses to see whether any raise fundamental issues of soundness that go to the heart of the Plan that may stop it going forward.

4. Included in response to 3.
5. Barrow Farm represents an extension of the area already committed for development in Area A (North Chippenham). The Site Selection Report

concludes that the disadvantages outweigh the likely benefits, including: it does not offer wider transport opportunities in terms of potential improvements to the road network as other areas can; it is largely dependent on a new link road that itself is dependent on development already committed in Area A in order to be acceptable in traffic terms; it does not offer a fundamentally different choice of location for either home buyers or business; it would affect the setting to Birds Marsh Wood, and cumulatively, it would result in recreational pressures on Birds Marsh Wood that are considered to harm its value.

6. Land in Area D that is in Council ownership is included within the Strategic Housing Land Availability Assessment (SHLAA). The SHLAA is used as the basis for understanding what land is being put forward for development in each strategic area.
7. It is difficult to comment on the excerpt provided without understanding its context, but it appears to relate to work involving supermarket car parks, which is of quite a different character and scale of issue. The Plan requires proposals at East Chippenham to be capable of delivering surface water run-off rates less than previous Greenfield rates. This is acceptable practice and the Environment Agency considers the Plan to be sound. They do not object on the basis that this would be unrealistic.
8. It is proposed that 'completions' be substituted by 'occupation' as it is considered that this provides a more precise and effective definition. It is not clear which document the question is referring to (paragraph 47, document 6). However, it will be in the developer's interest to ensure the delivery of the whole scheme to secure the comprehensive redevelopment of the site in accordance with the master plan. The viability assessment has demonstrated that the proposals are deliverable and there will be a reasonable developer profit in accordance with the requirement of the NPPF, as such there is no reason to doubt that the associated infrastructure will be delivered.
9. The provision of an Eastern Link Road is not considered to be dependent on public funding. Community Infrastructure Levy will be charged consistent with the adopted Charging Schedule and affordable housing will be sought consistent with Core Policy 44 of the Wiltshire Core Strategy. This was confirmed in answer to public questions at a special meeting of Cabinet on July 9th. It would therefore be inappropriate to speculate on other funding streams. Information on the bidding timetables can be obtained from the Swindon and Wiltshire Local Enterprise Partnership.
10. It would be inappropriate for the Council to indicate support or otherwise for emerging proposals within any neighbourhood plan prior to making a formal response at either of the statutory consultation stages when the Plan proposals can be considered as a whole. At these stages the Council's

response will consider matters such as conformity of proposals with the Wiltshire Core Strategy and national planning policy.

11. Possibilities for promoting self-build homes amongst the mix of homes delivered are a matter for consideration at detailed master plan and planning application stages.
12. A reasonable allowance has been made within the figures for development at Langley Park, which reflects the current planning permission. While it is recognised that this could change following approval of any revised planning permission currently there is no certainty that the numbers will increase to the level proposed. Only a small proportion of land requirements can be met using brownfield opportunities, which does not take away the need to deliver significant greenfield sites at the town.
13. The eastern link road will be a local distributor road. The term is used to describe the function of the road. This road (through and alongside the Chippenham 2020 development) will distribute local traffic around the east and north of Chippenham, as well as acting as a road to provide access to the development itself. It is likely to be a 7.3m wide single carriageway, as determined by the forecast traffic it will carry, but its detailed alignment has not been finalised. The master plan will determine what the appropriate alignment of the road is.

Public Participation

Questions from Mr Adrian Sweetman to Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste

14. Will the cabinet member for strategic planning and strategic housing confirm that the Chippenham Sites Allocations Plan is predicated on the delivery of 40% affordable housing and yet The "Final Report - Chippenham Site Allocations Plan Strategic Site Viability Assessment - January 2015" concludes that the North Chippenham, Rawlings Green and land east of Chippenham sites can only provide somewhere between 20% and 30% affordable housing and if this is as the report states, is it apparent and demonstrably so, that this target of 40% cannot be achieved with this choice of sites. Does the cabinet member for strategic planning and strategic housing further agree that therefore the Chippenham Site Allocations Plan is therefore unsound?
15. Notwithstanding the "Final Report - Chippenham Site Viability Assessment - January 2015" is shockingly flawed and not fit for purpose, can the cabinet member for strategic planning and strategic housing, comment on why it errs in a very obvious way, namely by applying the the wrong Community Infrastructure Levy charge, ie it uses a rate of £55/m² whereas this is now out of date having been rejected by the CIL Examiner and it should be £85/m² and that this is a material and very obvious factor?
16. Would the cabinet member for strategic planning and strategic housing accept that with adding a realistic estimate of the road cost, the North Chippenham, Rawlings Green and land east of Chippenham can deliver nil affordable housing and would he agree that it is doubtful if these sites would be viable at all, certainly not across an entire economic cycle, which is the test that planning guidance prescribes and would he agree that Wiltshire Council cannot really escape re-running the Viability Assessment using correct data?

Responses

14. The Council considers the Plan to be sound. The single purpose of the BNP Paribas Viability Assessment is to test the requirement of the National Planning Policy Framework (NPPF) that the cumulative impact of existing and proposed local planning authority standards and policies that support the plan "*should not put implementation of the plan at serious risk*" (paragraph 174, NPPF). It is not to determine an achievable level of affordable housing. This will be negotiated at the detailed planning application stage consistent with Wiltshire Core Strategy Core

Policy 43 'Providing affordable homes' on a site by site basis, once detailed values and costs are established.

15. At the time of writing the BNP Paribas Viability Assessment, the CIL Examination had not been concluded and the lower rate of CIL reflected the Council's position at the Examination that these sites should be subject to the same rate as strategic sites allocated in the Wiltshire Core Strategy. This is discussed in paragraph 27 of the report to Council. Plan proposals will be liable for the standard rate of CIL rather than a reduced rate provided to those strategic sites already identified in the Core Strategy. Consequently for the Plan proposals less infrastructure funding will come through s106 funding than would normally be the case given the higher rate of CIL. Broad assumptions about the scale of the burden on the developer to make provision toward infrastructure that support growth remain the same and therefore the assessment conclusions remain valid and robust.

16. No. The independent BNP Paribas Viability Assessment demonstrates the opposite and indicates the sites can viably provide the required strategic infrastructure costs, CIL, and S106 obligations. The Assessment generally uses the least optimistic costs for infrastructure and values and only on this basis does it suggest that the Council may need to be flexible in its approach in terms of adjusting the required percentage of required on site affordable housing provision. Levels for affordable housing will be negotiated on a site by site basis at the detailed planning application stage to achieve 40% share of new homes with actual detailed information rather than broad assumptions.

Public Participation

Questions from Dr Nick Murry To Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste

These questions have been updated by the questioner following the responses to questions previously asked of the Cabinet at their 09.07.15 meeting

Area C Flood Risk assessment failure.

17. On Site C

On Site C being surplus to requirements

The additional number of houses designated for Chippenham is deliverable without the need for Site C. This includes brownfield sites, which according to the NPPF and WC's own policies, should be prioritised over greenfield development. These sites include Langley Park, the old police station and a number of others. There is also additional capacity within Strategic site E. Even if these additional numbers left the total number short by a few houses, there would be far too few houses to fund the infrastructure or the hugely expensive roads, river crossing and railway crossing.

My questions therefore are:

1. How many houses does the Council calculate would be required on Site C given the additional houses (150-200) available on Langley Park plus all the other brownfield sites that are currently deliverable and assuming the additional numbers that are possible on Site E were to be taken into account? (N.B. an honest/ realistic answer should be a very low number)
2. At what point would the number of houses be too few to make Site C a viable proposition (N.B. an honest/ realistic answer should be a relatively high number).

On Site C presenting unacceptable risks

By WC's own analysis, Site C was found to have the greatest risk in terms of flooding, the frequency of which is set increase, with higher intensity rainfall events becoming increasingly common in future. Site C also was found to be unsustainable in many other respects according to WC's own Sustainability Appraisal and given that the site was previously rejected for sound planning reasons.

My questions therefore are:

1. What has fundamentally changed that now make Site C viable?
2. Can WC be transparent about why it has decided to take risks that it previously found unacceptable?

18. On proper assessment of alternatives

1. Where is the evidence for rejecting Site D and a Southern Link road, when Site D's flood risk is substantially lower than that of Area C, and a Southern Link road would be far less costly and only require a single bridge?
2. How can Site D perform worse in terms of transport when there is a major by pass around Pewsham that could be linked to it?
3. Where is traffic modelling that is constantly referred to, but which nobody has had sight of, available for scrutinising?

19. On Site B

There is plenty of actual evidence (as oppose to computer modelling evidence) that Cocklebury Road, Station Hill and New Road will come to a stand still if Site B has access to the Town Centre and routes South, East and West via Cocklebury road. An eventual bridge over the railway allowing access to the Sutton Benger Road will only divert a minority of traffic heading North.

My questions therefore are:

1. Where is the evidence that shows that the traffic impacts as a result of this proposed Site?
2. Where can we examine the assumption and outputs of the transport modelling?

Is it 200 houses or 400 houses that will be built before a bridge is even begun to be constructed? (WC documents say 400, a previous reply to my questions says 200)

20. On transport planning (significant lack of)

With reference to the lack of a sound evidence base for the impact of Site B on Chippenham's transport system; is it not the case that all the Chippenham data in the 2010 PFA study were collected in the latter part of 2007 or early part of 2008? The fact is that several hundred homes have subsequently been built on Cocklebury Road and the volume of traffic associated with the train station, car parks, History Centre, new Sainsburys store and other developments, has increased significantly since then. Why has no evidence been produced to describe how the Atkins second transport evidence report coped with this, or anything about the assumptions made about driver behaviour in Monkton Park, Cocklebury Road and Station Hill?

21. On inadequate preparation of the Site Allocation Plan (unsound planning)

Change number 30 requires the development of Area B to be preceded by a Master Plan which "will be informed by detailed evidence, which will include a Landscape Visual Impact Assessment, Heritage Assessment, Biodiversity Report, Surface Water Management plan, Flood Risk Assessment and Highways Statement." Why have none of these requirements been investigated and assessed as part of the preparation for the Site Allocation Plan? Why is the requirement only that a planning application in this area should be 'informed' by this work? Does this not leave the door open for virtually any kind application to succeed? How can Wiltshire Council

justify taking such risks, particularly in the areas of flood risk and transport planning, which may well prove disastrous for Chippenham's current and future residents?

Responses

17. The Site Selection Report (February 2015) says that at least an additional 436 dwellings remain required after the selection of first and second preferred areas.

This is based on the likely scale of housing development within the built up area deducted from how much land is needed on Greenfield sites. The scale of development permitted at Langley Park is included in this calculation, which is considered to be a reasonable allowance. While it is recognised that this could change following approval of any revised planning permission currently there is no certainty that the numbers will increase to the level proposed. Notwithstanding any changes to known commitments within the urban area (that could go up or down), only a small proportion of land requirements can be met using brownfield opportunities. The principle of needing to identify significant urban extensions to Chippenham is established in the Wiltshire Core Strategy. A larger land area at Area E has been assessed in the Site Selection Report and was not considered appropriate.

The Council has not carried out or commissioned work to assess the minimum development value necessary to develop in any strategic area. Instead site options are assessed according to the six criteria contained in the Wiltshire Core Strategy.

Land east of Chippenham was not previously rejected as an area for development because it was unviable or because 'risks are unacceptable'. The amount of land needed for development at Chippenham has increased from lower levels previously considered in early drafts of the Core Strategy. Justification for the sites selected in the Plan to accommodate this greater rate of growth is set out in the Site Selection Report.

The Site Selection Report provides a step by step explanation of why areas have been preferred over other and the choice of site options. Six criteria in the core strategy guide those judgements and there are a range of papers setting out the evidence in which they are based.

18. Flood risk and surface water management is one of six criteria guiding the choice of preferred area and selection of site options. The Environment Agency considers the Plan sound. The paper ranks the areas according to each ones propensity to accommodate strategic sites. Under other criteria evidence points to this area performing worst of all the strategic areas in transport terms and in landscape terms the whole of Area D is described as moderate to low development capacity compared, for instance, to Area C described as moderate to high.

The modelling encompasses the role played by Pewsham Way like it does all other existing connections in the local network.

It is difficult to make traffic modelling information available in an easily digestible way. The Council is more than willing to clarify any aspect of the model's data, assumption and working. A meeting is being convened with those who requested information in order to explain the mechanics of the modelling undertaken and answer detailed questions. This is considered the best means to proceed.

19. See response to Question 18.
20. See the response to Cabinet Question 23 as previously provided
21. See the response to Cabinet Question 23 as previously provided.

Public Participation

Questions from Mrs Marilyn Mackay to Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste

These questions have been updated following the responses to questions previously asked of the Cabinet at their 09.07.15 meeting

22. WHY IS THE COUNCIL SO BIASED AGAINST AREA D IN CHIPPENHAM SITE ALLOCATIONS DPD? Reading repeated Officer Responses in the Comments document (830 pages), time and again, it was stated that Area D is least suited for development. Yet, on the **two first ranked criteria**, Employment and Flood Risk, the Evidence Papers shows it performs MUCH BETTER than Area C on both criteria. Area D is close to the PRN, especially with a Southern Link Road, which has received considerable public funding to support employment in Chippenham. The Evidence Paper 6 shows Area C to be significantly the WORST for Flood Risk, yet it is chosen in preference to Area D. There are several very weak arguments offered against Area D, including a poorly argued point in the Atkins report on the issue of pollution, favouring an Eastern Link Road, which would bring considerable pollution and traffic chaos to Monkton Park and along the A4 to Calne.

Area D is not 'remote and isolated' from the town, since it is no further from the centre than properties in the north of the town. It is adjacent to Abbeyfield School, Sports Centre, and bus routes. By comparison, Area C is NOT even part of Chippenham, it is Bremhill Parish in Calne Community Area; Area D is in a Ward of Chippenham, Pewsey.

On the Landscape arguments, in the last rendition of the Draft Core Strategy, the council response to residents of **East of Chippenham was that it was protected by CP 51**, because of the value of its Landscape. Yet this time, this is ignored, and applied (**with bias**) to defend Area D with reference to Landscape. Clearly the two river valleys in Area C are of significant landscape and biodiversity value.

23. Why are the council now calling Area C "East Chippenham" which it is NOT. In the earlier Draft Core Strategy documents/events, including the EiP, it was correctly called 'East of Chippenham'? In past iterations of the Core Strategy Rawlings Green was called East Chippenham, and indeed it is. **THE COUNCIL IS SO BIASED IN FAVOUR OF SELECTING AREA C FOR DEVELOPMENT,**

IGNORING NEGATIVE EVIDENCE, AND PUBLIC OBJECTIONS. As stated above, on the first ranked criteria for the DPD, Area C performs much worse than Area D. Area D performs better in terms of Transport with a Southern Link Road, which does not have the same negative consequences as the Eastern Link Road. The Atkins 'evidence' lacks credibility to the contrary. An Eastern Link Road and excessive development in the area will bring unwanted additional traffic to the rural roads of Bremhill Parish and negatively impact rural villages.

24. DOES THE COUNCIL BELIEVE THE 'STATEMENT OF COMMUNITY INVOLVEMENT' CORRECTLY REFLECTS GENUINE PUBLIC OPPORTUNITY FOR LOCALISM IN PLANNING? The public responses shown in Report 5, Figure 4.1, shows a very high percentage of responses relating to two of the five Areas, namely Rawlings Green and East of Chippenham. There have been many public objections but

the Cabinet has not responded by changing anything in relation to public arguments and feeling.

25. WHY DO THE COUNCIL SEE NO REASON TO CARRY OUT A FRSA LEVEL 2, **SEQUENTIAL FLOOD RISK ASSESSMENT FOR AREA C, WHICH AT 76.2 EXTENT OF FLOOD RISK IN ZONES 2 AND 3, IS SIGNIFICANTLY THE WORST OF FIVE AREAS IN THE DPD?** How can Officer Response comments on this topic, stating both that 'development will not be on flood plain' (which is obvious) but will be "in zone 1", is a robust response? This appears to rely on recent modifications to Rawlings Green made to the Draft Core Strategy, which reduced the need for a Sequential Test, to simply directing development to zone 1. But that is another site, with completely different level of Flood Risk. NPPF states that assessment is "to steer development to areas with the lowest probability of flooding":

In plan-making, local planning authorities apply a sequential approach to site selection so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest, taking account of climate change and the vulnerability of future uses to flood risk. In plan-making this involves applying the 'Sequential Test' to Local Plans and, if needed, the 'Exception Test' to Local Plans.

Area C is an area with **high** probability of flooding and another Area CAN be selected with lower flood risk, namely Area D. The approach should be site specific. What applies in Rawlings Green is different from East of Chippenham, as illustrated in Evidence Paper 6.

IS IT NOT NEGLIGENT TO FAIL TO CONDUCT FLOOD ASSESSMENT FOR AREA C IN CONFORMITY WITH NPPF GUIDELINES?

26. Why are the council not making better use of the Principal Road Network (PRN), the dualled A350, for which massive public funds have been advanced by SW LEP? In particular, in relation to further development which meets their **number 1 criteria**, of **Employment** in Chippenham. And housing, close to the PRN, in addition to the Rowden development in SW Chippenham, Area E.

The council provided, rather late, a Briefing Note, to say why 'no development should go west of the A 350'. This was presented as an Absolute Truth, a set of assertions, and requires much closer critical scrutiny as it is counter-intuitive. Why spend so much tax payers money on the PRN, then shut down the area on the west side to development, when this kind of dualled road is meant to bring 'employment' benefits? Especially as part of the Growth Fund related to Digital Corsham, further west of Chippenham. Additionally, the Atkins report shows the close proximity of Area D to the PRN, which obviously should/could be exploited, with the aid of a southern link road. This could relate to, and extend, the value of the Showell Employment site in Area E.

The council will need to offer a more robust set of reasons for 'no development west of the PRN' than it has done in its Briefing Note, which is not compelling. Another issue related to this, which Atkins did not explore, is the East-West traffic through Chippenham, which would benefit from a southern link road in Area D.

Arguments critical of the Briefing Note are for another time and place.

Responses

22. The Council is not 'biased' against development in Area D. The Area has been considered at each stage of the selection process but other areas, by comparison have performed better. Sufficient evidence points to this area performing worst of all the strategic areas in transport terms and in landscape terms the whole of Area D is described as of moderate to low development capacity compared, for instance, to Area C described as moderate to high.

While the assessment does show that Area D performs better than Area C in terms of access to the primary route network, the report also says that Area D has large areas that perform weakly. This aspect is just one of several aspects that are considered. For instance, whilst parts of Area D do lie adjacent to Abbeyfield School, Sports Centre, and bus routes, the evidence highlights how Strategic Area C is likely to present the greatest potential for providing new walking and cycling links that are of use to existing communities, as there are existing trip attractors and generators either side of the Strategic Area that are currently not well connected.

Proximity to the A350 has been a consideration in terms of the potential for employment development. It had a significant bearing, for instance, on the selection of the first preferred area and site options for South West

Chippenham (Policy CH1). The importance of providing available land attractive for employment development diminishes by the selection of a third preferred area because land for employment development is identified already in the South West Chippenham proposals and Rawlings Green (Policy CH2).

23. 'East Chippenham' is considered to be a clear and precise name to identify the site. The Plan identifies the most appropriate locations for strategic sites to support sustainable development at Chippenham. The Wiltshire Core Strategy recognises that consideration will need to be given to land in adjoining parishes and Community Areas to Chippenham. The most sustainable pattern of development does not necessarily coincide with civil administrative boundaries. See also response to question 22.
24. The Council is suggesting a number of changes to improve the clarity and effectiveness of the Plan in response to consultation responses.

The Chippenham Site Allocations Plan is being prepared in accordance with the requirements set in the Wiltshire Core Strategy. It must be sound and represent sustainable development locally. A significant proportion of the representations to the Plan came from one part of Chippenham, compared to the town as a whole. Development on the edge of towns represents the urbanisation of countryside and it is understandable that many existing, adjoining residents have concerns.

The proposals in the Chippenham Site Allocations Plan represent the culmination of many years of local consultation about the future of the town. The Council's justification for the selection of preferred areas and site options is set out in the Site Selection Report and decisions are led by evidence across the 6 criteria that have been set out in the Core Strategy.

The Examination into the soundness of a plan is carried out by an independent inspector appointed by the Secretary of State and the consultation response made by local people will be given to the appointed Inspector for their consideration. This represents a thorough process through which the concerns of local people will be considered.

25. The Plan follows a sequential and risk based approach to flooding and surface water management issues that is considered to fully accord with national policy. A Level 2 Strategic Flood Risk Assessment is required by national policy when development is proposed in flood risk area zones 2 and 3. These circumstances do not apply to the Plan. All development in Area C is proposed in zone 1 and it is therefore not required. The Environment Agency considers the Plan to be sound and their comments are available on the Council's website as part of the consultation response. In response to their comments a change is proposed to be made to the Plan to ensure that sufficient land is set aside for sustainable urban drainage systems for each site.

26. The Primary Route Network does have a particular influence on Plan proposals. The Core Strategy has a specific emphasis upon maintaining the strategic transport network along the A350 corridor to support growth not just at Chippenham, but also places such as Melksham, Trowbridge, Westbury and Warminster. Investment at Chippenham is being made to counteract congestion and help maintain reliable journey times for business and commerce relying on this strategic link to the M4 and to wider markets. Locating strategic sites west of the A350 is not a reasonable option. One important reason is because of the substantial traffic loading generated would add directly to local congestion and then undermine what road investment in the A350 is trying to achieve.

Proximity to the A350 has been a consideration in terms of the potential for employment development. It had a significant bearing, for instance, on the selection of the first preferred area and site options for South West Chippenham (Policy CH1). The importance of providing available land attractive for employment development diminishes by the selection of a third preferred area because land for employment development is identified already in the South West Chippenham proposals and Rawlings Green (Policy CH2).

Overall in transport terms the evidence suggests that Area D performs least well of all the area. In terms of access to the Primary Route Network the evidence suggests both Areas C and D perform weakly compared to Areas E and A. Just comparing Area D to C, a better proximity to the A350 for some parts of Area D would need to be balanced against the greater distance and the potential for congestion with A350 traffic negotiating junctions around Chippenham on journeys to and from the M4.

Public Participation

Questions from Mrs Helen Stuckey to Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste

These questions have been updated by the questioner following the responses to questions previously asked of the Cabinet at their 09.07.15 meeting

- 27) The Officer Responses to our consultation comments are that Area D “performs worst” and that the “site Selection report justifies why area D is least suitable for development”. This response does not begin to address the detailed critique in the CAUSE 2015 Unsound document which sets out in detail, over 52 pages, and using the Council’s own ranked criteria, why development in a part of area D together with a Southern link road (and extended development in areas E and A) would be preferable to development in areas B and C. Please could the Council confirm that they have assessed our proposed option of development in just a small part of Area D, together with a southern link road, in their response that “area D performs worst”?
- 28) At the Cabinet meeting on July 9th a question was asked – what if, at the Master Planning Stage, a proposed Strategic area failed one of the key criteria e.g. flood risk based on the more detailed evidence collected at that stage. Cllr Toby Sturgis response was that they would look for another strategic area. BUT this ignores the dependencies between the proposed strategic areas e.g. the eastern link road will be built through new development in areas A, B and C. If one of these strategic areas were to be withdrawn then it is unclear how the eastern link road could be completed. Could the Council either complete the more detailed work on flood risk, transport and the eastern link road design before putting the plans forward for Examination in Public or otherwise commit to evaluating areas B and C at the same time during the Master Planning stage?
- 29) Appendix 4 Change number 31 to The Chippenham Site allocations Plan is to “ensure sufficient land is set aside at the master plan stage” ... “for a set of effective sustainable urban drainage measures” (SuDs). C2020 have recently submitted a Planning Application for Area C which states that the DPD “indicative plan makes no spatial allowance for them (effective urban drainage measures)” and have proposed to compensate this by increasing the boundary of area C to include 15 hectares in the area north of the North Rivers Cycle Track. Please could the Council confirm that the EA advice to

include land for effective SUDs has already been allowed for within the proposed site boundaries?

30) The Council methodology, used in the Site Selection report, for selecting Strategic Areas is based on evaluating the evidence at a macro level i.e. across the whole of each strategic area and only subsequently evaluating the optimal sites within an area. This has resulted in a sub optimal site allocation by not considering further expansion in parts of Areas A and E and development in just a part of Area D. The CAUSE 2015 Unsound report sets out the evidence as to why this alternative site allocation (which avoids areas B and C) better meets the Council's ranked criteria. Please would the Council evaluate our considered alternative proposal before dismissing it?

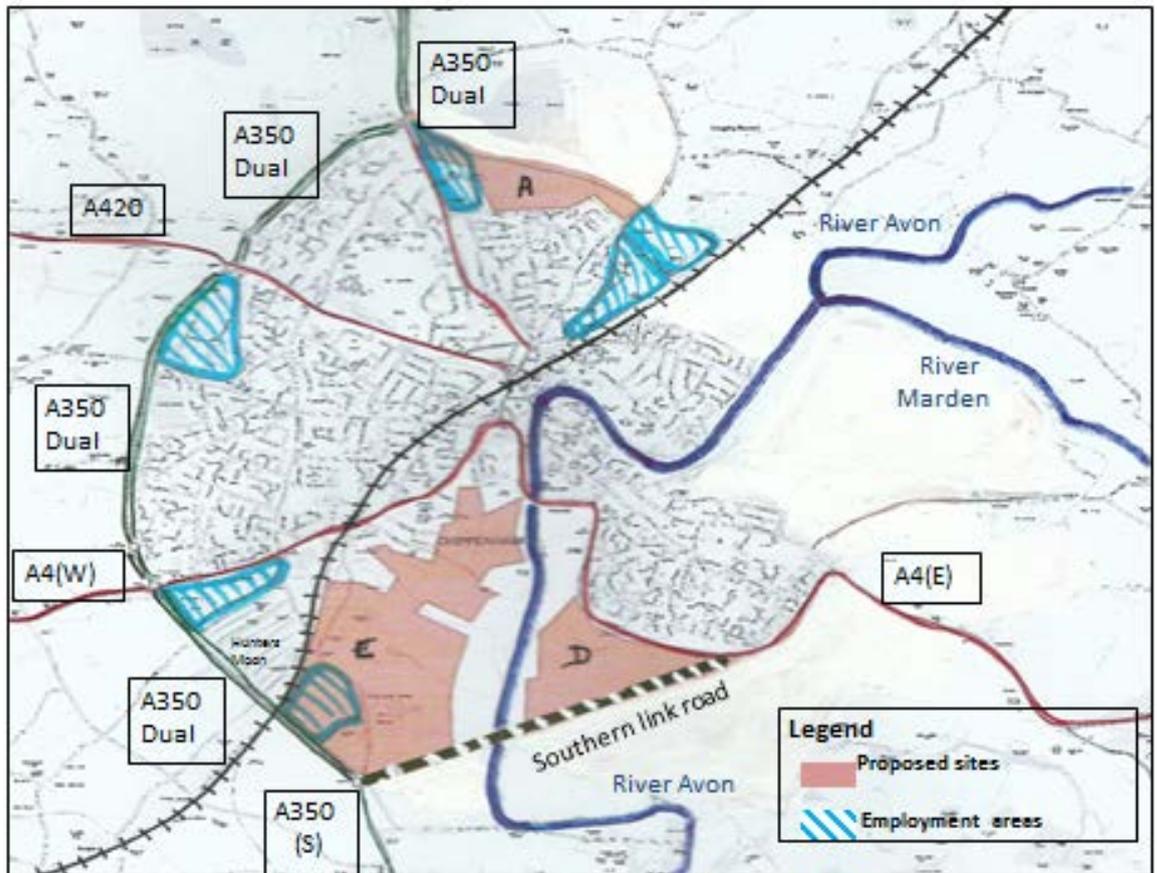
31) At the 9th July Cabinet meeting it was agreed to hold reviews of

- a. the flood risk potential and
- b. transport models

since these were the 2 issues on which the public had most concern that the evidence collected by the Council is not sound and has led to the wrong site selection. These meetings are to be arranged for early September. Please would the Council consider delaying the decision to go out for the Examination in Public until after these meetings?

32) The top ranked criteria for assessing the strategic areas is to enable economic development, leading to more local jobs and a reduction in the level of outcommuting. Most businesses want to locate near to the A350 which is in the process of being dualled. The Economy evidence report concludes that other sites are better positioned than area C. Why doesn't the proposed site allocation recognise the importance of locating all new commercial areas and the associated link road, near the A350 rather than on the East of Chippenham?

For the benefit of any Council member who has not read the CAUSE 2015 Unsound report, I reproduce below the figure showing the alternative plan proposed by CAUSE 2015 based on extending development in areas A and E, and developing part of area D within a southern link road.



It should be noted that several developers have submitted consultation feedback which supports our alternative plan for extending development in area A (Hitchins), area E (Strategic Land Partnerships, RF Moody & partners, Hallam Land Mgmt, and Crest & Redcliffe) and Area D (Gleesons).

Response

27. Sufficient evidence points to this area performing worst of all the strategic areas in transport terms and in landscape terms the whole of Area D is described as of moderate to low development capacity compared, for instance, to Area C described as moderate to high. NPPF expects Councils to use a proportionate evidence base. Consequently, following the methodology established in the Core Strategy, it was considered to be unnecessary to examine detailed strategic site options in this area.

28. The purpose of the Plan is to allocate strategic sites for the town's long-term growth. To be sound, amongst other things, the Plan should be deliverable over its period and enable the development of sustainable development consistent with national policies. The Plan is considered to be sound and the evidence informing it does not identify any absolute constraints that cannot be mitigated. As explained at the Cabinet meeting there are inevitably risks involved with any development project but the Plan proposals have adequately considered known risks and constraints and no new risk and constraints have been identified as a result of consultation.

29. It is considered that the scale of housing and employment development proposed in the Plan can be accommodated alongside other land uses, including drainage measures. Wording suggested by the Environment Agency helps by highlighting the need to accommodate such measures when they will be designed at more detailed master plan and planning application stages.
30. See response to Question 27. The alternative proposals have not been dismissed but have each been evaluated at relevant stages of the Plan preparation. A possible extension to Area A was considered at each selection point for a preferred area. The extent of development in Area E was considered at the selection of site options. These options are discussed in the Site Selection Report (February 2015).
31. See response to Question 28. The purpose of these meetings is to explain details of the evidence and the process underpinning the Plan. It is not to review the Plan proposals.
32. Proximity to the A350 has been a consideration. It had a significant bearing, for instance, on the selection of the first preferred area and site options for South West Chippenham (Policy CH1). The importance of providing available land attractive for employment development diminishes by the selection of a third preferred area because land for employment development is identified already in the South West Chippenham proposals.

In terms of access to the Primary Route Network the evidence suggests both Areas C and D perform weakly compared to Areas E and A. Just comparing Area D to C, a greater proximity to the A350 for some parts of Area D would need to be balanced against the greater distance and the potential for congestion with A350 traffic negotiating junctions around Chippenham to the M4. Overall in transport terms the evidence suggests that Area D performs least well of all the areas.

Public Participation

Questions from Mr Robert Clague to Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste

33. Does the cabinet member for strategic planning and housing conspolicy frameworkider that one of the most important facets of the national planning framework is deliverability of housing, and with such large allocations, and likely delays over building over the great western railway line the current site allocations plan for chippenham is likely to fail on deliverability, and does he believe that it would be better to have a thorough review of chippenham site allocations plan which would include an in depth report on alternative sites such as land west of A350 barrow farm land closer to m4 junction and on brownfield sites all of which would deliver housing at a faster rate, and also include the required (and needed) 40% housing

Response

The Plan is considered sound. The rate and scale of growth at Chippenham is set out in the Wiltshire Core Strategy. The task set for the Chippenham Site Allocations Plan is to identify large scale sites for mixed use development. An independent Viability Assessment by BNP Paribas shows that Plan proposals are viable and evidence shows they can be delivered at an acceptable rate over the Plan period.

Plan proposals, on balance, are considered to be the most appropriate and no new alternatives have been suggested that have not already been considered. The Site Selection Report (February 2015) sets out the Council's justification for this.

Development geared to the M4 conflicts with the objective of reducing net out-commuting and employment development at Junction 17 does not meet the needs of Chippenham, for example by helping to support the vitality and viability of the town centre. New homes on Langley Park are already accounted for as a part of estimating additional housing requirements. Land west of the A350 is not considered a reasonable alternative (see Briefing Note 2: Definition of Strategic Areas (updated January 2015)).

Public Participation

**Questions from Mrs Charmian Spickernell to Councillor Jane Scott OBE,
Leader of the Council**

Democratic deficit in Wiltshire Council

34. Why did the Leader say at the last Council Meeting in May that she could see no reason to revert to Committee decisions rather than the Cabinet model when

- a) Questions that followed all showed Cabinet decisions had been taken seemingly without wider consultation;
- b) It is not always the case that local discussion and input can be put to Local Area Boards on strategic planning; (see appendix)
- c) A few members hold most of the portfolios - for example, how can there be clear separation between owner and decision maker when the portfolio holder for property also heads strategic planning?
- d) Decisions that used to be taken by Full Council are now taken by Cabinet. When was the last time Full Council did not rubber stamp a Cabinet decision?
How well informed are Councillors who are not Cabinet members?

We reiterate our request of 12 May:

We the undersigned wish to bring to the attention of Wiltshire Council our concern that the transfer to the Cabinet form of administration in 2007 has led to:

- An excessive centralisation of powers and decision-making;
- A weakening of the democratic accountability of Wiltshire Council; and
- A lack of confidence among local people that decisions made in their name take their wishes adequately into account, and are evidence-based and considered openly and accountably.

Will the Council:

- ➔ agree that this situation now merits examination?
- ➔ undertake a review of its governance processes, ensuring that this includes the possibility of return to a Committee system of local government?
- ➔ ensure that all Councillors are involved in consideration of the issues raised and potential solutions?

understand that there is not the level of public satisfaction with its democratic functioning that it seems to think there is and recognise instead that members of the public do have increasing concerns. We ask that the Council will look into our Question and give it more than the perfunctory attention it has received so far.

Signatories:

CPRE Wiltshire

CAUSE 2015

WHITE HORSE ALLIANCE

ACA (A36/A350 Corridor Alliance)

CAMPAIGN FOR A BETTER TROWBRIDGE

Appendix re Area Boards

At the Calne Area Board on 17 April, a presentation on the strategic planning for the Chippenham Site Allocations DPD as it affects the Calne area was made by three planning officers.

Members of the public had attended the meeting in order to hear the report and discuss it with Councillors but, because the item was the last on the agenda and it was late by the time it came up, Calne councillors who had attended earlier on the day, had already left. The only remaining councillor was the Chair.

As members of the public had not been able to discuss with the Councillors the important issue of one of the areas of expansion being in Calne/Bremhill Parish, they requested an opportunity to do so at the next Area Board meeting. However, this was refused by the Chair. Detailed representations to Wiltshire Council met with the reply that the Cabinet sees no reason to change anything and will leave it all to an EiP.

It appears that Area Boards are limited in terms of time allowed for public discussion and firmly controlled. Where local areas are affected very strongly by strategic planning, there is no opportunity through the Area Boards for discussion with Councillors. It is questioned therefore whether in fact it is possible to claim that Area Boards are a venue for public discussion on strategic planning issues.

Response

I remain satisfied that the governance arrangements operated by this council are working effectively for the reasons set out in my response to your previous question to council of 12 May.

what should be cabinet business and how there is appropriate oversight and input into the process by all members and the wider public.

Planning decisions are taken by area and strategic planning committees, which are committees of council not cabinet. This would be the position whatever governance model was in place.

The adoption of a development plan involves comprehensive steps involving professional advice by officers and consultants, public consultation and examination by the Secretary of State before final adoption by Council. The individual role of the cabinet member with the spatial planning portfolio in this process is as proposer of the plan and oversight during its preparation. The role of both Cabinet and Council in any decision making is collective and is made on the facts before them.

Delegated executive decisions are made and published in accordance with rules which provide for input by non-executive members and the wider public as well as transparency.

The assurance framework agreed recently by cabinet provides both transparency and democratic accountability for decisions of the Swindon and Wiltshire Local Enterprise Partnership (SWLEP).

Public Participation

Questions from Mr Kim Stuckey to Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste

35. Many Councillors represent rural wards in our beautiful County. Would you as a Councillor be happy that an unspoilt river valley in your ward is recommended for development with no proper Biodiversity report, Heritage Assessment, Visual Impact Assessment, plus absolutely no protection of the river, its surroundings and the wildlife and nature? If you approve the Chippenham Draft Site Allocations you will approving this for the River Marden valley.

36. The so called Eastern distributor road proposed in the DPD actually will deliver two bypasses running north-south either side of Chippenham. However, there is a more pressing need for an east-west link road, as witnessed by traffic congestion on both the Bath and Bristol Roads during peak times. This would be delivered by development in Area D. Why has evidence presented showing this been ignored by Council.

Response

35. The Plan provides for the long term protection of around 150ha of the River Avon valley. Proposals for a riverside country park will manage it to enhance its wildlife and improve the community's access to this large area of countryside.

National Planning policy expects Councils to base their decisions on proportionate evidence. Evidence is summarised in several published evidence papers and these cover biodiversity (Evidence Paper 5: Biodiversity Interim Report, December 2014), heritage and landscape aspects (Evidence Paper 4: Chippenham Landscape Setting Assessment, TEP, December 2014). A management plan, as set out in Policy CH4, for the proposed country park will look at these and other aspects in more detail as appropriate.

The Plan minimises the amount of development in the Marden Valley. Land outside that allocated at East Chippenham is protected from development under Core Policy 2 of the Core Strategy.

36. The Council has considered all the representations carefully. No alternatives have been suggested that have not already been considered and no evidence has been presented to demonstrate that a southern link road would perform better than and eastern one. Instead the Council's evidence shows that a southern link road has much less traffic benefit compared to an eastern route. Whilst it would not require a railway bridge, fundamentally, this is not an appropriate area for development compared to others. Sufficient evidence points to this area performing

worst of all the strategic areas in transport terms and in landscape terms the whole of Area D is described as of moderate to low development capacity compared, for instance, to Area C described as moderate to high. Consequently, following the methodology established in the Core Strategy, it was unnecessary to examine detailed strategic site options in this area.

14/07/2015
14:28:38
Voting 2/2 - Vote - 14/07/2015 14:28:06

Draft Chippenham Site Allocation Plan - Cllr Caswill's Proposal One



Confirmation presences: 82

Yes	: 15
No	: 52
Abstained	: 3

14/07/2015

14:28:43

Amend 2

Voting 2/2 - Vote - 14/07/2015 14:28:06

Confirmation presences: 82

Yes	: 15
Cllr Bob Jones MBE (LD)	: 1
Cllr Chris Caswill (Ind)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr David Jenkins (LD)	: 1
Cllr George Jeans (Ind)	: 1
Cllr Glenis Ansell (LD)	: 1
Cllr Gordon King (LD)	: 1
Cllr Helen Osborn (Ind)	: 1
Cllr Jeff Osborn (Ind)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Magnus Macdonald (LD)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Peter Edge (LD)	: 1
Cllr Terry Chivers (Ind)	: 1
Cllr Trevor Carbin (LD)	: 1
No	: 52
Cllr Alan Hill (C)	: 1
Cllr Alan MacRae (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Bill Moss (C)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Charles Howard (C)	: 1
Cllr Christine Crisp (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr Desna Allen (LD)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr Horace Prickett (C)	: 1
Cllr Howard Greenman (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Scott OBE (C)	: 1
Cllr John Knight (C)	: 1
Cllr John Noeken (C)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Julian Johnson (C)	: 1
Cllr Keith Humphries (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Leo Randall (C)	: 1
Cllr Linda Packard (LD)	: 1
Cllr Mark Packard (LD)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mollie Groom (C)	: 1
Cllr Nina Phillips (C)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Peter Evans (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Britton (C)	: 1

14/07/2015

14:28:43

Voting 2/2 - Vote - 14/07/2015 14:28:06

Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Richard Tonge (C)	: 1
Cllr Roy While (C)	: 1
Cllr Sheila Parker (C)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stewart Dobson (C)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Tony Trotman (CON)	: 1
<u>Abstained</u>	<u>: 3</u>
Cllr Ernie Clark (Ind)	: 1
Cllr Simon Killane (Ind)	: 1
Cllr Stephen Oldrieve (LD)	: 1

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14/07/2015

14:44:01

Voting 3/3 - Vote - 14/07/2015 14:43:36

Draft Chippenham Site Allocation Plan - Cllr Caswill's
Proposal Two

Amend 2



Confirmation presences: 81

Yes	: 10
No	: 62
Abstained	: 2

14/07/2015

14:43:58

Voting 3/3 - Vote - 14/07/2015 14:43:36

Amend 2

Confirmation presences: 81

Yes	: 10
Cllr Bill Douglas (LD)	: 1
Cllr Chris Caswill (Ind)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Ernie Clark (Ind)	: 1
Cllr Glenis Ansell (LD)	: 1
Cllr Helen Osborn (Ind)	: 1
Cllr Ian West (LD)	: 1
Cllr Jeff Osborn (Ind)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Terry Chivers (Ind)	: 1
No	: 62
Cllr Alan Hill (C)	: 1
Cllr Alan MacRae (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Bill Moss (C)	: 1
Cllr Bob Jones MBE (LD)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Charles Howard (C)	: 1
Cllr Christine Crisp (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr David Jenkins (LD)	: 1
Cllr Desna Allen (LD)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr Gordon King (LD)	: 1
Cllr Horace Prickett (C)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Scott OBE (C)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr John Knight (C)	: 1
Cllr John Noeken (C)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Julian Johnson (C)	: 1
Cllr Keith Humphries (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Leo Randall (C)	: 1
Cllr Linda Packard (LD)	: 1
Cllr Magnus Macdonald (LD)	: 1
Cllr Mark Packard (LD)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mollie Groom (C)	: 1
Cllr Nina Phillips (C)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Peter Edge (LD)	: 1
Cllr Peter Evans (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Whalley (C)	: 1

14/07/2015

14:43:58

Voting 3/3 - Vote - 14/07/2015 14:43:36

Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Britton (C)	: 1
Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Richard Tonge (C)	: 1
Cllr Roy While (C)	: 1
Cllr Sheila Parker (C)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stephen Oldrieve (LD)	: 1
Cllr Stewart Dobson (C)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Tony Trotman (C)	: 1
Cllr Trevor Carbin (LD)	: 1
<hr/> Abstained	: 2
Cllr George Jeans (Ind)	: 1
Cllr Simon Killane (Ind)	: 1

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14/07/2015

14:48:07

Voting 4/4 - Vote - 14/07/2015 14:47:50

Draft Chippenham Site Allocation Plan - Cllr
Caswill's Proposal Three

Amend 3



Confirmation presences: 81

Yes	: 9
No	: 59
Abstained	: 2

14/07/2015

14:48:05

Voting 4/4 - Vote - 14/07/2015 14:47:50

Confirmation presences: 81

Amend 3

Yes	: 9
Cllr Bill Douglas (LD)	: 1
Cllr Chris Caswill (Ind)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Glenis Ansell (LD)	: 1
Cllr Helen Osborn (Ind)	: 1
Cllr Ian West (LD)	: 1
Cllr Jeff Osborn (Ind)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Terry Chivers (Ind)	: 1
No	: 59
Cllr Alan Hill (C)	: 1
Cllr Alan MacRae (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Bill Moss (C)	: 1
Cllr Bob Jones MBE (LD)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Charles Howard (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr David Jenkins (LD)	: 1
Cllr Desna Allen (LD)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr George Jeans (Ind)	: 1
Cllr Gordon King (LD)	: 1
Cllr Horace Prickett (C)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Scott OBE (C)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr John Knight (C)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Julian Johnson (C)	: 1
Cllr Keith Humphries (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Leo Randall (C)	: 1
Cllr Linda Packard (LD)	: 1
Cllr Magnus Macdonald (LD)	: 1
Cllr Mark Packard (LD)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mollie Groom (C)	: 1
Cllr Nina Phillips (C)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Peter Evans (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Britton (C)	: 1

14/07/2015

14:48:05

Voting 4/4 - Vote - 14/07/2015 14:47:50

Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Richard Tonge (C)	: 1
Cllr Roy While (C)	: 1
Cllr Sheila Parker (C)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stephen Oldrieve (LD)	: 1
Cllr Stewart Dobson (C)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Trevor Carbin (LD)	: 1
<hr/> Abstained	: 2
Cllr Christine Crisp (C)	: 1
Cllr Simon Killane (Ind)	: 1

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14/07/2015
15:07:13
Voting 1/5 - Vote - 14/07/2015 10:45:34

Answer 5

Draft Chippenham Site Allocation Plan - Cllr Caswill's Proposal Five



Confirmation presences: 81

Yes	: 19
No	: 54
Abstained	: 0

14/07/2015

15:07:17

Voting 1/5 - Vote - 14/07/2015 10:45:34

Confirmation presences: 81

Amend 5

Yes	: 19
Cllr Bob Jones MBE (LD)	: 1
Cllr Chris Caswill (Ind)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Desna Allen (LD)	: 1
Cllr Ernie Clark (Ind)	: 1
Cllr George Jeans (Ind)	: 1
Cllr Glenis Ansell (LD)	: 1
Cllr Gordon King (LD)	: 1
Cllr Helen Osborn (Ind)	: 1
Cllr Ian West (LD)	: 1
Cllr Jeff Osborn (Ind)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Magnus Macdonald (LD)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Peter Edge (LD)	: 1
Cllr Simon Killane (Ind)	: 1
Cllr Stephen Oldrieve (LD)	: 1
Cllr Terry Chivers (Ind)	: 1
Cllr Trevor Carbin (LD)	: 1

No	: 54
Cllr Alan Hill (C)	: 1
Cllr Alan MacRae (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Bill Moss (C)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Charles Howard (C)	: 1
Cllr Christine Crisp (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr David Jenkins (LD)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr Horace Prickett (C)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Scott OBE (C)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr John Knight (C)	: 1
Cllr John Noeken (C)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Julian Johnson (C)	: 1
Cllr Keith Humphries (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Leo Randall (C)	: 1
Cllr Linda Packard (LD)	: 1
Cllr Mark Packard (LD)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mollie Groom (C)	: 1
Cllr Nina Phillips (C)	: 1
Cllr Paul Oatway QPM (C)	: 1

14/07/2015

15:07:17

Voting 1/5 - Vote - 14/07/2015 10:45:34

Cllr Peter Evans (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Britton (C)	: 1
Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Richard Tonge (C)	: 1
Cllr Roy While (C)	: 1
Cllr Sheila Parker (C)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stewart Dobson (C)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Tony Trotman (C)	: 1
<u>Abstained</u>	: 0

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14/07/2015
15:15:29
Voting 6/6 - Vote - 14/07/2015 15:15:22

Amend 6

Draft Chippenham Site Allocation Plan - Cllr Caswill's Proposal Six



Confirmation presences: 81

Yes	: 15
No	: 53
Abstained	: 2

14/07/2015

15:15:35

Voting 6/6 - Vote - 14/07/2015 15:15:22

Amend 6

Confirmation presences: 81

Yes	: 15
Cllr Bob Jones MBE (LD)	: 1
Cllr Chris Caswill (Ind)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Ernie Clark (Ind)	: 1
Cllr George Jeans (Ind)	: 1
Cllr Glenis Ansell (LD)	: 1
Cllr Gordon King (LD)	: 1
Cllr Helen Osborn (Ind)	: 1
Cllr Ian West (LD)	: 1
Cllr Jeff Osborn (Ind)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Magnus Macdonald (LD)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Terry Chivers (Ind)	: 1
Cllr Trevor Carbin (LD)	: 1
No	: 53
Cllr Alan Hill (C)	: 1
Cllr Alan MacRae (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Bill Moss (C)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Charles Howard (C)	: 1
Cllr Christine Crisp (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr Desna Allen (LD)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr Horace Prickett (C)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Scott OBE (C)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr John Noeken (C)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Julian Johnson (C)	: 1
Cllr Keith Humphries (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Leo Randall (C)	: 1
Cllr Linda Packard (LD)	: 1
Cllr Mark Packard (LD)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Mollie Groom (C)	: 1
Cllr Nina Phillips (C)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Peter Edge (LD)	: 1
Cllr Peter Evans (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1

14/07/2015

15:15:35

Voting 6/6 - Vote - 14/07/2015 15:15:22

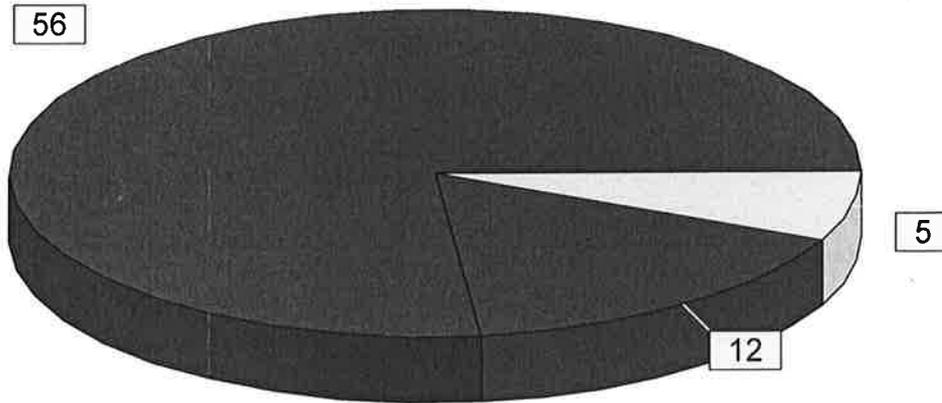
Cllr Richard Britton (C)	: 1
Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Richard Tonge (C)	: 1
Cllr Roy While (C)	: 1
Cllr Sheila Parker (C)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stewart Dobson (C)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Tony Trotman (C)	: 1
<hr/> <u>Abstained</u>	<hr/> <u>: 2</u>
Cllr Simon Killane (Ind)	: 1
Cllr Stephen Oldrieve (LD)	: 1

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14/07/2015
15:31:00
Voting 7/7 - Vote - 14/07/2015 15:30:50

DPD

Draft Chippenham Site Allocation Plan - Substantive Motion as amended



Confirmation presences: 80

Yes	: 56
No	: 12
Abstained	: 5

14/07/2015

15:31:04

Voting 7/7 - Vote - 14/07/2015 15:30:50

DPD

Confirmation presences: 80

Yes	: 56
Cllr Alan Hill (C)	: 1
Cllr Alan MacRae (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Bill Moss (C)	: 1
Cllr Bob Jones MBE (LD)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Charles Howard (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr Desna Allen (LD)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr Horace Prickett (C)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Scott OBE (C)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr John Knight (C)	: 1
Cllr John Noeken (C)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Julian Johnson (C)	: 1
Cllr Keith Humphries (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Leo Randall (C)	: 1
Cllr Linda Packard (LD)	: 1
Cllr Magnus Macdonald (LD)	: 1
Cllr Mark Packard (LD)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mollie Groom (C)	: 1
Cllr Nina Phillips (C)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Peter Edge (LD)	: 1
Cllr Peter Evans (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Britton (C)	: 1
Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Richard Tonge (C)	: 1
Cllr Roy While (C)	: 1
Cllr Sheila Parker (C)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stewart Dobson (C)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Trevor Carbin (LD)	: 1

No : 12

14/07/2015

15:31:04

Voting 7/7 - Vote - 14/07/2015 15:30:50

Cllr Bill Douglas (LD)	: 1
Cllr Chris Caswill (Ind)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Ernie Clark (Ind)	: 1
Cllr Glenis Ansell (LD)	: 1
Cllr Gordon King (LD)	: 1
Cllr Helen Osborn (Ind)	: 1
Cllr Ian West (LD)	: 1
Cllr Jeff Osborn (Ind)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Terry Chivers (Ind)	: 1
Abstained	: 5
Cllr Christine Crisp (C)	: 1
Cllr George Jeans (Ind)	: 1
Cllr Simon Killane (Ind)	: 1
Cllr Stephen Oldrieve (LD)	: 1
Cllr Tony Trotman (C)	: 1

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Wiltshire Council

Council

29 September 2015

Petitions Update

Petitions Received

As of 17 September 2015, five petitions have been received by Wiltshire Council since the last report to Council on 14 July 2015. 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**

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NAME	DATE RECEIVED	RESPONDENTS	ACTION
Chris Wootton Objection to the pedestrian crossing proposal in North Street, Pewsey, jeopardising the future of Woottons of Pewsey.	06/07/15	616	Following consideration of this petition and a recommendation from the Pewsey CATG and decision by the Pewsey Area Board on 6 July, the crossing will not go ahead. The lead petitioner has been so advised.
Students of John O'Gaunt School We want the Council to make local shops sell only Fairtrade chocolate to try and stop child slavery.	21/07/15	45	Response sent from Economic Growth- The Council is unable to dictate what local shops choose to sell. In the future there will be a food and drink sector membership organisation set up to strengthen the supply chain in Swindon & Wiltshire. It is possible that raising awareness of the Fairtrade issue is something that the organisation can take up once it has been set up. The organisation is likely to start in early 2016, once the Council receives funding from the European Structural Investment Fund. Local Councillors have offered to work with students to help progress this issue.

Mr Kington The Hamlet and Hamlet Court, Chippenham, Traffic Management Issues	21/08/15	33	The lead petitioner was advised that the issue has already been raised on the Community Issues System and, subject to support in principle from the Town/Parish Council, the item was referred to the Chippenham CATG.
Samuel Jennings Petition to Stop the Proposed Changes to Grammar School Transportation and post-16 Grammar School Transportation	28/08/15	258	The changes to grammar school transportation came into force from 7 January 2015 following a cabinet member decision prior to which there had been extensive consultation. The Council does not fund the provision of transport for children who, as a result of parental choice, attend a secondary school other than the one closest to their home. The lead petitioner has been sent details of the decision including the full report on the matter.
Jon Fisher Refugees Welcome in Wiltshire- Let's offer to home hundreds of refugee families across the county. Wiltshire can stand up and be counted.	16/09/15	163	The petition is being considered and a response will be sent shortly. Council is also referred to the notice of motion submitted to this meeting on this issue.

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

Wiltshire Council

Licensing Committee

21 September 2015

Statement of Gambling Principles

Summary

This report describes the consultation results following the public consultation of the draft Statement of Gambling Principles. This report highlights the amendments that have been made to the previous draft considered by the Licensing Committee on 28 April 2015.

Proposal(s)

It is recommended:

That the Licensing Committee notes the amendments made to the Statement of Gambling Principles and commends the Statement of Gambling Principles (final draft) in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 29 September 2015.

Reason for Proposal

The Council must review its Statement of Gambling Principles every three years. The Statement of Gambling Principles is due for review and must be consulted on and ratified by Full Council prior to it coming into force. Following acceptance of the amendments made by this Licensing Committee, a final draft version of the Statement of Gambling Principles will be required to be submitted to Full Council on 29 September 2015.

Maggie Rae
Corporate Director

Statement of Gambling Principles – Update

Purpose of Report

1. To ask the Licensing Committee to note the consultation undertaken and subsequent amendments made to the Council’s draft Statement of Gambling Principles (in relation to the Gambling Act 2005).

That the Licensing Committee commends the Statement of Gambling Principles in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 29 September 2015.

Relevance to the Council’s Business Plan

2. “People in Wiltshire work together to solve problems locally and participate in decisions that affect them”.

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

Main Considerations for the Council

3. It is a statutory requirement that the Statement of Gambling Principles must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

Background

4. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities in relation to the Gambling Act 2005 with a view to promoting the three licensing objectives, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open way,
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005 was designed to be light touch legislation covering a number of “licensable activities”. Such activities are defined within this Act.

Social responsibility is an important element of the Statement of Gambling Principles and we have taken this into consideration following the new guidance from the Gambling Commission.

5. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Gambling Principles in relation to the Gambling Act 2005. This policy is to be reviewed every three years and be the subject of a full consultation process.
6. The report presented on 28 April 2015 sought Members' support to carry out the consultation of the draft Statement of Gambling Principles.
7. This report advises Members of the consultation that has taken place and outlines the comments received and drafts made on the Council's draft Statement of Gambling Principles.

Consultation

8. Consultation period: May 2015 – August 2015

- 8.1 List of Consultees included:-

- The Gambling Commission
- Wiltshire Police
- Wiltshire Fire Service
- Local Planning Authority
- Environmental Health
- Children and Family Services
- Wiltshire Council Members
- HM Revenue and Customs
- Kennet and Avon Canal Trust
- Environmental Agency
- Coral Racing
- Betfred
- William Hill
- Ladbrokes
- Stan James
- All licensed gambling premises in Wiltshire
- All premises with gaming machine permits.

- 8.2 All statutory consultees have received a full copy of the draft Statement of Gambling Principles and notification of that draft was given to all Council Members. Further, all relevant premises and specific bodies requesting information have been advised of the draft Statement of Gambling Principles and its availability. Finally, a copy of the draft Statement of Gambling Principles was also available on Wiltshire Council's Website.

- 8.3 The Statement of Gambling Principles is a draft document setting out the Council's proposals to ensure a balanced approach towards the licensing of premises. The draft Statement of Gambling Principles has been based on the requirements of the Gambling Act 2005 and includes the changes

required as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

- 8.4 There were three responses received from the public consultation; one response was received from a Responsible Authority, Children Services (Appendix 1) and one from a Consultee, Coral Racing (see attached Appendix 2). A response was also received from Power Leisure Bookmakers Limited via Poppleston Allen Licensing Solicitors (see attached Appendix 3).
- 8.5 The Thematic Table of Responses is attached as Appendix 4. Changes proposed to the draft policy as a result of those responses are shown in red on the revised draft.

Safeguarding Implications

9. One of the key objectives of the Gambling Act 2005 is 'The Protection of Children from Harm': Wiltshire Council's Children's Services Department has been designated as the Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

10. The Licensing and Public Health teams work together within the Council to ensure that the health implications of gambling are considered.

Environmental and Climate Change Considerations

11. There is minimal environmental impact of these proposals.

Equalities Impact of the Proposal

12. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Risk Assessment

13. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to effectively undertake its statutory responsibilities and functions under the Gambling Act 2005.

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

14. Criticism of the Council and thus compromise the reputation of Wiltshire Council.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

15. There are no particular risks identified from any of the proposals.

Financial Implications

16. There are no additional financial implications of the proposals contained within this report.

Legal Implications

17. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. When preparing its Statement of Gambling Principles, the Council is required to consult the Police, Persons representing gambling businesses and Persons representing the interests of the people likely to be affected by Gambling. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles must be approved by Full Council.
18. The Licensing Authority is a high profile regulatory service important for protecting the public but also for ensuring the balance between development of the leisure industry and economic viability and the protection of communication. The fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

Conclusions

19. The adoption of a revised Statement of Gambling Principles by 1st November 2015 is a statutory requirement.

Proposal

20. To ask Members to note the consultation undertaken and subsequent amendments made to the Council's draft Statement of Gambling Principles (in relation to the Gambling Act 2005).
21. That Members of the Licensing Committee approve the additional wording on Social Responsibility from the Gambling Commission Guidance (Strengthening Social Responsibility) as stated in 3.4 of the Statement of Gambling Principles.
22. That the Licensing Committee commends the Statement of Gambling Principles, as attached as Appendix 5 to this report, in relation to the

Gambling Act 2005 to the Council for approval at its meeting on 29 September 2015.

Reason for Proposal

23. The Wiltshire Council's Statement of Gambling Policy must be reviewed every three years and be the subject of a full consultation process.

Maggie Rae
Corporate Director

Report Author: Linda Holland

Public Protection Team Leader – Licensing

linda.holland@wiltshire.gov.uk

01249 706 410

9 September 2015

Background Papers

- Gambling Act 2005
- Gambling Commissions Guidance to Local Authorities 4th Edition
- Gambling Commissions Strengthening Social Responsibility
- Gambling Commissions Guidance to Local Authorities 5th Edition (in consultation)
- Wiltshire Council's Current Gambling Statement of Principles

Appendix

1. Response received from Children's Services Department
 2. Response received from Coral Racing
 3. Response received from Power Leisure Bookmakers Limited
 4. Table of Thematic Responses
 5. Wiltshire Council Statement of Gambling Principles 2015 - 2018
-

Appendix 1: Response from Children's Services Department

Consultation - Gambling Statement of Principles 2015 - 2018

Hi Nikki

I have read through this thoroughly and I think the safeguarding of children is covered well and given sufficient priority so I don't have any comments to make.

Sarvjit Gill

Quality Assurance Manager
Safeguarding Quality Assurance
Commissioning, Performance and School Effectiveness
Wiltshire Council
County Hall
Trowbridge
Wiltshire
BA14 8JN

Tel: 01225 713926

Email: sarvjit.gill@wiltshire.gov.uk

www.wiltshire.gov.uk

From: Price, Jemma

Sent: 29 May 2015 10:22

To: Bennett, Nicola

Subject: Consultation - Gambling Statement of Principles 2015 - 2018

Dear Nicola,

RE: Consultation on the revision of Wiltshire Council's Statement of Policy on the Gambling Act 2005.

The Council is required to review its policy every 3 years. Having regard to changes in Legislation and Guidance, including the proposed changes in the Commissions Guidance to Local Authorities and the recently approved Licensing Conditions and Codes of Practice issued by the Gambling Commission, Wiltshire Council has redrafted its policy statement with the intention to approve it for commencement on the 1st January 2016.

You have been identified as a stakeholder in the Gambling Industry, Regulation or an Interested Party and we are therefore asking you to review the draft and make any comments, link supplied below.

<http://www.wiltshire.gov.uk/council/consultations.htm>

The consultation for this ends on 10th August 2015.

Kind Regards

Jemma Price

Public Protection Officer (Licensing)

Wiltshire Council, Monkton Park, Chippenham, SN15 1ER

Tel: 01249 706 436 ex. 21436

Email: jemma.price@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

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Appendix 2: Response from Coral Racing Ltd.



Public Protection Team Leader- Licensing
Wiltshire Council
Monkton Park
Chippenham
SN15 1ER

30th July 2015

Dear Sirs

Consultation on Wiltshire Council's Statement of Principles-Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are supportive of the document but seek to clarify areas which the Council will take into account when considering applications for Premises Licences. The Board when considering applications are required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives' (you list the 3 licensing objectives within the document at item 2.1(page 7). We additionally highlight that neither demand (which you include) nor moral objections, should be taken into account when judging applications.

Specifically and in relation to the note that the Licensing Authority will take into account the proximity of the application in relation to schools, vulnerable adult centres, residential areas with a high concentration of families and children, residential children's homes & hostels providing accommodation for young people leaving care and places which have a similar characteristics (those listed within item 4.0- Page 14):

- Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.
- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with every bookmaker, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

John Liddle
Director of Development -Coral Retail

Appendix 3: Response from Power Leisure Bookmakers Limited

Power Leisure Bookmakers Limited response to Wiltshire Council's Consultation on its draft Statement of Gambling Principles

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives.

We respectfully remind the Licensing Authority that operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. Therefore, the Gambling Commission will have approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 that provides the code to which the Authority must have regard. Specifically, Regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and should have mechanisms in place for consultation.

General Policy Commentary

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered although as the Gambling Commission's Guidance to Licensing Authorities states, policy statements should include a firm commitment to avoid duplication with other regulatory regimes.

Location and local area risk assessment

Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. Although the current draft policy does not address the requirement for local area profiling, we respectfully refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling and the location of proposed premises in particularly sensitive locations (paras 2.1, 3.3 and 4.0), as well as areas with known high levels of crime and disorder (para. 3.1). In order to fully address any potential concerns, all risk profiles should be based upon empirical evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk.

When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime is proportionate to the existing operational procedures implemented by operators to address crime and disorder associated with any gambling provision.

Whilst local area risk profiling has not been addressed in the current draft policy, the authority must consider that should any specific policies be contemplated in the future regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations considered and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy should not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

Appendix 4: Thematic responses to Wiltshire Council Statement of Gambling Principles Consultation May 2015 – August 2015

The comments requiring action are set out in the table below.

Additional wording following consultation highlighted in red in the Statement of Gambling Principles Draft Document.

Paragraphs referred to, highlighted in yellow in the Statement of Gambling Principles Draft Document.

Theme of Comment	Responder	Feedback / Comments	Action
Moral Objections	Coral Racing Limited	The Board when considering applications are required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives' (you list the 3 licensing objectives within the document at item 2.1(page 7). We additionally highlight that neither demand (which you include) nor moral objections, should be taken into account when judging applications.	The phrase moral objection is referred to in 8.0 Decision Making, therefore has been included in 2.1 also to mirror.
Proximity	Coral Racing Limited	Specifically and in relation to the note that the Licensing Authority will take into account the proximity of the application in relation to schools, vulnerable adult centres, residential areas with a high concentration of families and children, residential children's homes & hostels providing accommodation for young people leaving care and places which have a similar characteristics (those listed within item 4.0- Page 14): <ul style="list-style-type: none"> Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising 	The list mentioned in the response is a starting point for consideration in regards to suitability of any gambling premises and does not solely refer to betting premises as suggested by Coral Racing Ltd. To aid clarity the following sentence is proposed as an addition in 4.0. The Local Authority will be mindful of the type of gambling application submitted and consider each on a case by case basis.

		<p>from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.</p> <ul style="list-style-type: none"> • Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with every bookmaker, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. <p>The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.</p>	
Local Risk Assessment	Coral Racing Limited	Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific <u>risks</u> to the licensing objectives in the local area, and b) to assess whether <u>control measures</u> going beyond standard control measures are needed.	<p>In light of the changes to the Gambling Act 2005, highlighted in the guidance on Social Responsibility from the Gambling Commission (due to come into effect in April 2016), it is agreed that the following bullet point be added to the list when considering new premises applications.</p> <p>Local risk assessment for premises (due to come into effect in April 2016).</p>
	Power Leisure Bookmakers Limited	<p>Although the current draft policy does not address the requirement for local area profiling, we respectfully refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility.</p> <p>The draft policy confirms that the Authority will pay</p>	

		<p>particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling and the location of proposed premises in particularly sensitive locations (paras 2.1, 3.3 and 4.0), as well as areas with known high levels of crime and disorder (para. 3.1). In order to fully address any potential concerns, all risk profiles should be based upon empirical evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk.</p> <p>When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime is proportionate to the existing operational procedures implemented by operators to address crime and disorder associated with any gambling provision.</p> <p>Whilst local area risk profiling has not been addressed in the current draft policy, the authority must consider that should any specific policies be contemplated in the future regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders.</p>	<p>The Local Area Risk Assessment for Wiltshire will be written to encompass the diversity of the Wiltshire Council area. This will be proposed as an Appendix to this Statement of Gambling Principles in due course.</p>
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Wiltshire Council

Gambling Act 2005

Statement of Principles

2015 – 2018

DRAFT

Linda Holland, Public Protection Team Leader (Licensing)

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Appendix C – Useful Contacts

DRAFT

1.0 Introduction to Wiltshire

Wiltshire is a predominantly rural county in the south-west of England with a population of 476,816. Although centrally divided by the large expanse of Salisbury Plain, Wiltshire has many market towns and villages with mixed and vibrant communities. Wiltshire is also home to world-renowned cultural and heritage destinations such as Stonehenge and the internationally established World of Music, Arts and Dance Festival.

Larger populations live within the cathedral city of Salisbury to the south and in other towns such as Trowbridge and Chippenham to the north of Salisbury Plain. The armed forces and their families form a significant population group in Wiltshire, with numbers set to expand significantly in future years as the Ministry of Defence relocates service personnel from overseas locations to Wiltshire in 2015-19.



2.0 Overview

The Gambling Act 2005 provides the regime for licensing and regulation of commercial gambling in the UK and is intended to regulate the provisions of facilities for gambling and the use of premises for gambling. It defines three types of gambling: - gaming, betting, and participating in a lottery. A variety of licences and permits allows these gambling activities to take place. The task of granting these is shared between Licensing Authorities and the Gambling Commission. The Gambling Commission approve operating and personal licences; premises licences and other permissions are approved by the Licensing Authority.

Wiltshire Council Licensing Authority recognises the potential impact of gambling on the communities of Wiltshire. In adopting this policy, this Licensing Authority will seek to work with communities and partners to ensure that it helps to maintain strong and resilient communities. It will address the concerns of the public to maintain safe and high quality environments making Wiltshire an even better place to live, work and visit. It wishes to work together with premises licence operators/holders to assist the thriving and growing local economy whilst seeking to protect vulnerable persons from harm.

Licensing Authorities are required by the Gambling Act 2005 to publish and consult on a statement of the principles which they propose to apply when exercising their functions. This policy statement should also remain responsive to emerging risks and can be reviewed at any time, but must be reviewed at least every three years.

The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:-

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority's area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Gambling Act 2005.

In reviewing this statement of principles this Licensing Authority consulted widely with all necessary bodies and relevant stakeholders. The consultation process was conducted between May 2015 and August 2015 by way of a direct letter to those identified and also via publication on Wiltshire Council's website - www.wiltshire.gov.uk

A list of those consulted is available from this Licensing Authority on request.

It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.1 Licensing Authority Functions

This Licensing Authority's approach to exercising its functions under the Gambling Act 2005 is set out in this 'Gambling Statement of Principles'. When regulating gambling, this Licensing Authority will take into consideration the interests of the public using guidance from the Gambling Commission and taking into account the three licensing objectives, when carrying out its licensing functions:-

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- Ensuring that the gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005 will not be used by this Licensing Authority to resolve matters that can be dealt with by alternative legislation.

This Licensing Authority will not take into account demand, need or **moral objections** for gambling when considering applications submitted to them; however layout, size and the location of a premises are factors that will be considered, along with the style of operation. Applications will all be assessed on an individual basis.

Gambling is a complex issue and this Licensing Authority has identified the following points in order to carry out its role accurately. These are:-

- Gambling is defined in the Gambling Act 2005 as either gaming, betting, or taking part in a lottery;
- Gaming means playing a game of chance for a prize;
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not;
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Licensing Authorities are required under the Gambling Act 2005 to:-

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant Permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres;
- Receive notifications from Alcohol Licensed Premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;

- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register Small Society Lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that this Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

The National Lottery is regulated by the National Lottery Commission.

This Licensing Authority's functions under the Gambling Act 2005 will be carried out by the Licensing Committee, the Licensing Sub-Committee, and/or Officers acting under the delegated authority of the Licensing Committee.

2.2 Responsible Authorities

This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Gambling Act 2005 to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm.

The principles are:-

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for Local Authorities, this Licensing Authority designates the Children's Services Department of Wiltshire Council for this purpose.

Responsible Authorities will be notified by this Licensing Authority of all premises licence applications. The Responsible Authorities are permitted to make representations in relation to premises applications.

The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via Wiltshire Council's website - www.wiltshire.gov.uk

2.3 Interested Parties

Interested Parties can make representations for or in respect of licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as:-

- a) a person or persons who lives sufficiently close to the premises and is likely to be affected by the authorised activities,
- b) a business or businesses whose interests might be affected by the authorised activities, or
- c) an individual or group who represents persons who satisfy paragraph (a) or (b).

This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an Interested Party. The principles are:-

- Each case will be decided upon its merits;
- This Licensing Authority will not apply a rigid rule to its decision making;
- It will consider the examples of considerations provided in the Gambling Commission's Guidance for Local Authorities at 8.14 and 8.15;
- It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission recommended in its guidance that the Licensing Authority states that Interested Parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This Licensing Authority will not generally view these bodies as Interested Parties unless they can demonstrate they have been requested by one of their members who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested Parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties. Other than these however, this Licensing Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

Individuals are encouraged to approach the local Councillor or Council to ask them to represent their views.

2.4 Exchange of Information

Licensing Authorities are required to include in their statement of principles how they will exercise their functions under section 29 and 30 of the Gambling Act 2005 with respect to the exchange of information between them and the Gambling Commission.

In addition, under section 350 of the Gambling Act 2005, the exchange of information between the Licensing Authority and other persons is set out in Schedule 6 to the Gambling Act 2005.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.

This Licensing Authority will have regard to the guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Those wishing to make a representation will be informed that their details will be forwarded to the applicants, in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000, in order to allow negotiation between the parties. If a hearing is held it should be noted that their details will form part of the public document.

The Licensing Authority will work closely with the Gambling Commission, Wiltshire Police and with the other Responsible Authorities where there is a need to exchange information on specific premises.

2.5 Fees

Licence fees are set within the prescribed maximum levels in accordance with 'The Gambling (Premises Licence) Fees (England and Wales) Regulations'. Fees for permits and other services will be as set by the Secretary of State.

Information concerning the fees charged by Wiltshire Council for premises licence applications, permits and other permissions will be made available to the public via Wiltshire Council's website – www.wiltshire.gov.uk

This Licensing Authority considers non-payment of annual fees seriously and, in accordance with Paragraph 193 of the Gambling Act 2005, where the Premises Licence Holder fails to pay the annual fee, this Licensing Authority will revoke the licence. This will be disapplied if the Licensing Officers considers that a failure to pay is attributable to administrative error. In relation to permits, this Licensing Authority will cancel the permit if the permit holder fails to pay the annual fee due.

2.6 Declaration

In producing the final statement of principles, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

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3.0 Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.1 Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime

The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. This Licensing Authority is aware that it falls to the Gambling Commission to ensure the suitability of an operator before issuing an operating licence. However, this Licensing Authority will bring to the attention of the Gambling Commission any information that is brought to its attention, during the course of processing a premises licence application or at any other time, which could question the appropriateness of an applicant.

Where an area has known high levels of crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there. If there are concerns over a premises location, in order to prevent that premises from becoming a source of crime, certain conditions could be considered by this Licensing Authority to be attached to the licence. These could include door supervisors or CCTV etc.

3.2 Ensuring the gambling is conducted in a fair and open way

The Gambling Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that:-

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public;
- machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The Gambling Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This is

because this will usually be concerned with either the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being ‘harmed or exploited by gambling’; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines.

It does not however seek to disallow particular groups of adults from gambling in the same way that it does children. The Gambling Commission has not sought to define ‘vulnerable persons’, but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This Licensing Authority will consider this licensing objective on a case by case basis. In order to protect vulnerable persons, this Licensing Authority will consider whether any special considerations apply to a particular premises. These considerations could include self barring schemes or providing information in the form of leaflets or helpline information from relevant organisations.

3.4 Social Responsibilities (Comes into force on 6th April 2016)

3.4 (a) Assessing Local Risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

- 1** Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy.
- 2** Licensees must review (and update as necessary) their local risk assessments:
 - a** to take account of significant changes in local circumstances, including those identified in a licensing authority’s statement of licensing policy;
 - b** when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;

- c when applying for a variation of a premises licence; and
- d in any case, undertake a local risk assessment when applying for a new premises licence.

3.4 (b) Sharing Local Risk Assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non- remote general betting (limited) and betting intermediary licences

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

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4.0 Premises Licences

A Premises is defined in the Gambling Act 2005 as “any place”. It is possible for a single building to be subject to more than one premises license, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). There will be specific issues that this Licensing Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Gambling Act 2005. In addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Gambling Act 2005.

This Licensing Authority will take specific care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular applicants should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

The following factors will be taken into consideration by this Licensing Authority when looking at premises licence applications, **the Local Authority will be mindful of the type of gambling application submitted and consider each on a case by case basis:-**

- Premises location including its immediacy to local schools; children’s centres or centre’s used by vulnerable persons; residential areas that have a high populations of children and vulnerable persons; and areas of deprivation where children and vulnerable persons reside;
- Premises layout and design;
- Installation of security features, such as CCTV or location of cash registers and safes;
- Staff training in all areas that are appropriate to the promotion of the licensing objectives;
- Policies and procedures for age verification;
- Possibility of crime and disorder associated with a licence being granted at a given premises.
- **Local Risk Assessment for premises (coming into force April 2016).**

An individual is responsible for their own gambling; however this Licensing Authority wishes to stress that although it acknowledges this, it also recognises that the applicant/operator has a “duty of care” to patrons.

4.1 Adult Gaming Centres

As no one under the age of 18 is permitted to enter an Adult Gaming Centre, this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to satisfy this Licensing Authority that there will be sufficient measures to meet the licensing objectives and comply with all mandatory conditions and the Gambling Commission Codes of Practice, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives. The list below is not mandatory, nor exhaustive, and is merely indicative of example measures:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

Where Adult Gaming Centres are located in a Motorway Service Station this Licensing Authority will pay particular attention to entry points and how an operator will control these entry points to safeguard children who are using the site and therefore may be able to gain access to gambling.

4.2 Betting Premises

Betting is defined by the Gambling Act 2005 as the making or accepting of a bet on the outcome of a race, competition or other event or process; the likelihood of anything occurring or not occurring; or whether anything is or is not true.

A transaction may still be a bet despite the fact the race, competition or event has already taken place and one party to the transaction knows the outcome.

The most common form of betting is ‘fixed odds betting’ whereby the customer bets a stake to win a fixed amount calculated by the odds available.

4.2 (a) Betting Machines

This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children (it is an offence for those under 18 to bet) and vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

This Licensing Authority reserves the right to limit the number of machines if there has been evidence to suggest that they have in the past, or are likely to be in the future, used in breach of the licensing objectives.

4.2 (b) Tracks

(Defined as: a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place)

This Licensing Authority is aware that tracks differ greatly from other premises and may be subject to one or more than one premises licence. The Track Operator themselves may not be required to hold an operating licence, this may be due to the fact that the individual bookmakers at the track will be required to hold their own operating licences.

This Licensing Authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling. The need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that children will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities.

It is expected from this Licensing Authority that individual applicants will offer measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;

- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

It may be appropriate for the applicant to provide the following to support an application and to assist this Licensing Authority to fully understand the application they have submitted:-

- Proof that measures are in place to promote the third licensing objective and to guarantee compliance;
- Specify what proposals have been made to administrate betting (it would be recommended that specific areas are set aside for this function)
- Detailed plan of the track and grounds which identify;
 - any fixed betting facilities;
 - areas that will be specifically used by 'on course' operators on race days;
 - the location of any gaming machines;
 - any temporary structures that will offer betting facilities;
 - mobile betting facilities and other proposed gambling facilities that are not already marked.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

4.2 (c) Conditions on rules being displayed

The Gambling Commission has advised in its Guidance for Local Authorities that "...Licensing Authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

4.2 (d) Betting Machines and Tracks

This Licensing Authority will expect the track operator to ensure that their premises complies with all the legislation set out in the Gambling Act 2005 to prevent children from using machines at tracks. Children are allowed to play Category D machines at tracks; however this Licensing Authority will be looking at the location of any adult gaming machines throughout the track premises, in order to guarantee that they are situated where children would be excluded.

Each application will be decided upon on a case by case basis, as due to the size and nature of a track premises there are significant problems with the potential abundance of machines that could be located. This Licensing Authority may look to moderate the number of machines or change the location of machines in order to meet the licensing objective which protects children from harm.

4.3 Bingo

Bingo does not have a statutory definition in the Gambling Act 2005, however there are two types of bingo most frequently played, cash bingo and prize bingo.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted this Licensing Authority will ensure that:-

- no more than 8 category B3 or B4 machines are provided in the premises;
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The Licensing Authority is aware that there is no restriction on the number of category C or D machines that can be on a premises.

Records may be checked by this Licensing Authority if they suspect a Licensee or Club is exceeding the turnover limit required in a 7-day period. Where appropriate the Gambling Commission will be consulted.

Bingo permitted on Alcohol Licensed Premises needs to be low level bingo. There is an expectation that information issued by the Gambling Commission will be complied with by the applicant; record keeping being a specific area of compliance.

'High level' bingo will require a Bingo Operating Licence.

When looking at the suitability and layout of a bingo premises the Licensing Authority will take into consideration guidance issued by the Gambling Commission.

4.4 Casinos

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Casino premises licences will have conditions attached by this Licensing Authority in accordance with the Gambling Commission's Guidance outlined in paragraph 9 and their Licence Conditions and Codes of Practice.

4.5 Licensed Family Entertainment Centres

There are two classes of Family Entertainment Centres (FEC); Licensed and Unlicensed. Licensed Family Entertainment Centres require a premises licence and can provide Category C and D machines. Whereas, Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits (See permit section for further details).

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:-

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-barring schemes;
- Self exclusion scheme;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

Clear separation between machines is needed in Licensed Family Entertainment Centres to make certain that children are not permitted access.

This Licensing Authority will refer to the Gambling Commission's website to ensure that up to date conditions are applied in relation to the way in which the area containing the category C machines should be defined. This will include any mandatory or default conditions.

There is an expectation from this Licensing Authority that all applicants of Licensed Family Entertainment Centres will meet the licensing objectives, comply with the Codes of Practice issued by the Gambling Commission as well as all relevant mandatory conditions.

5.0 Permits

The Gambling Act 2005 introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. A Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.

5.1 Alcohol Licensed Premises Gaming Machine Permits

There is provision in the Gambling Act 2005 for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises licence holder is required to notify the Licensing Authority by completing the requisite application form and paying the prescribed fee. A new notification needs to be submitted after every transfer of premises licence holder.

The Designated Premises Supervisor is responsible for the supervision of gaming and there needs to be compliance with the Gambling Commissions code of practice.

The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 gaming machines, then it needs to apply for a permit and this Licensing Authority must consider each application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. It will be expected of the applicant to satisfy this Licensing Authority that there will be sufficient measures put in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy this Licensing Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. The presence of notices and signage may also help. In relation to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a gambling premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that this Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.

5.2 Club Gaming and Club Machines Permits

Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

The Gambling Commission Guidance states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A Members' Club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include Working Men's Clubs, branches of Royal British Legion and clubs with political affiliations."

The Gambling Commission Guidance also notes that Licensing Authorities may only refuse an application on the grounds that:-

- (a) the applicant does not fulfil the requirements for a members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young person's;
- (c) an offence under the Gambling Act 2005 or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the Police.

There is also a 'fast-track' procedure available under the Gambling Act 2005 for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for Local Authorities states:- "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the ground upon

which an Authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:-

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that the holder must comply with regarding the code of practice concerning the location and operation of gaming machines to ensure that no child uses a category B or C machine on the premises.

Commercial clubs can only apply for Club Machine Permits and are expected to abide by the codes of practice from the Gambling Commission and with the Secretary of State's statutory stakes and prize limits.

5.3 Prize Gaming Permits

The Gambling Act 2005 states that a Licensing Authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit".

This Licensing Authority has prepared a statement of principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit this Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

Further information may be sought from an applicant who applies for a prize gaming permit, such as:-

- the location of the machines along with any notices that may be positioned throughout the premises on a scaled plan (1:100);
- confirmation that the limits of stakes and prizes comply with the regulations and the law and that staff are knowledgeable of the limits and stakes;
- age verification scheme;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises;
- details of number of staff employed;

- evidence of public liability insurance documents;
- other policies or procedures in place to promote safeguarding of children and vulnerable persons from harm;
- commitment to enable data sharing e.g. the number of self-exclusions and underage attempts to gamble.

It should be noted that there are mandatory requirements in the Gambling Act 2005 which the permit holder must comply with. The Licensing Authority cannot attach conditions. The conditions in the Gambling Act 2005 are:-

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

If this Licensing Authority intends to refuse an application for a prize gaming permit they will inform the applicant in writing and allow the applicant to make a representation against the decision.

5.4 Unlicensed Family Entertainment Centre

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to this Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications.

Safeguarding children will be a principal concern to this Licensing Authority when dealing with Unlicensed Family Entertainment Centres. Before granting a permit to an applicant for an Unlicensed Family Entertainment Centre this Licensing Authority will need to be satisfied that the premises will be used as such.

Applicants wishing to apply for a permit will need to show:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (these that are set out in Schedule 7 of the Gambling Act 2005; and

- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

5.4 (a) Statement of Principles

Additional information will be requested from this Licensing Authority when a permit is applied for by an applicant, such as:-

- the location of any cash machines and category D machines along with any notices that may be positioned throughout the premises on a scaled plan (1:100);
- information regarding the number of category D machines (space between machines needs to be considered for public safety);
- confirmation that applicants are aware of the limits of stakes and prizes that comply with the regulations and the law;
- proof of staff training that will be undertaken and records kept, covering how staff would deal with unsupervised young children being on the premises or children causing perceived problems on or around the premises or suspected truant school children on the premises;
- demonstrate that policies or procedures in place to promote safeguarding of children from harm, in this instance the harm does not refer solely to harm from gambling but also to include harm from any child protection issues;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises and the appearance of the premises externally;
- details of the number of staff employed;
- evidence of public liability insurance documents,
- commitment to data sharing e.g. the number of self-exclusions etc.

Renewals of Unlicensed Family Entertainment Centres are not subject to this statement of principles.

An application may be refused by this Licensing Authority if the applicant is unable to meet the requirements. If it is the intention of this Licensing Authority to refuse the application the applicant will be notified in writing setting out the reasons why.

Should the application be refused applicants have the right to appeal against the Licensing Authority's decision of refusal.

Refusals of a renewal application will occur if the premises has refused access to an Authorised Authority Officer without reasonable excuse; or by in renewing the permit it would have a detriment to the licensing objectives, principally non-compliance issues.

Unless a permit lapses or is surrendered it can remain for 10 years.

5.4 (b) Statement of Principles relating to Direct Access between Adult Gaming Centres and Un/Licensed Family Entertainment Centres

Applicants must consider the protection of children and other vulnerable persons from being harmed or exploited by gambling; therefore they must ensure that children do not have 'direct access' to adult premises and are not attracted to adult only areas.

There is no definition of 'direct access' therefore this Licensing Authority will look at each application on a case by case basis with regards to access. It may be preferable that there is an area that separates the premises from other areas that the public use for purposes other than gambling, so there is no direct access.

The principles below can be applied:-

- Partitions should be permanently fixed between premises and should not be transparent;
- A gaming/skills with prizes machine or any other machine should not form the partition or any part of the partition;
- Minimum height for partitions should be 1.75 metres and a maximum of 0.15 metres from the floor.

If legislation offers further definitions of either 'direct access' or 'separation' this Licensing Authority will recognise that.

6.0 Small Society Lotteries

It is illegal to run a Lottery that does not fit into one of the categories permitted by the law contained in the Gambling Act 2005. There are two categories that they can fall into; Licensed Lotteries that require an operating licence from the Gambling Commission and Exempt Lotteries which require registration with the Licensing Authority. There are further Exempt Lotteries that do not require registration with the Licensing Authority, but are still subject to regulations laid out in the Gambling Act 2005.

A Lottery is a form of gambling that has three essential elements; a payment is required to participate; one or more prizes are awarded; and those prizes are awarded by chance.

Small Society Lotteries are Lotteries promoted for the benefit of a Non-Commercial Society. Such Societies are organisations that have distinct aims and objectives and meet the definition of a Non-Commercial Society set out in the Gambling Act 2005.

For a Society to be Non-Commercial it needs to be established and conducted:-

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics, or a cultural activity;
- and for any other Non-Commercial purpose other than that of private gain.

Types of Lottery that **require** permission:-

- Small Society Lotteries – the Society in question must be set up for Non-Commercial purposes. There is a top limit of £20,000 in tickets sales.
- Large Society Lotteries – similar to the Small Society Lottery, but there is a minimum of £20,000 in ticket sales.
- Licensing Authority Lotteries – run by the Licensing Authority, to help with any expenditure it normally incurs.

Types of Lottery that **do not require** permission;

- Private Society Lotteries – any group or Society except those set up for gambling. The proceeds of the Lottery must go to the purposes of the Society.
- Work Lotteries – these can only be run and played by colleagues at a particular place of work. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.
- Residents' Lotteries – these can only be run and played by people living at a particular address. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.
- Customer Lotteries – these can only be run by a business, at its own premises and for its own customers. No prize can be more than £50 in value. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.

- Incidental Non-Commercial Lotteries – these are held at Non-Commercial events, such as school fetes etc. All the sales and the draw must take place during the main event, which may last more than a single day. Prizes cannot total more than £500.

These limits and definitions are correct as of the date of publication of this document, however they may be subject to change in the future by Government Legislation and any amendments to these definitions or limits will be corrected in the appendices of this policy.

Those wishing to run a Lottery may wish to seek independent legal advice to clarify which type of Lottery category their Lottery will fall into.

6.1 Rules of Small Society Lotteries

For a Society to run a Small Society Lottery, no more than £20,000 worth of tickets can be put on sale for each Lottery and the accumulative total in proceeds from the lotteries cannot surpass £250,000 in a year. The Society must register with the Licensing Authority. If the Society is approaching its yearly limit and believes that it will be exceeded by the end of the year it is responsible for applying to the Gambling Commission for a licence before it exceeds the limit.

If a Society has registered with the Licensing Authority and wishes to sell tickets for a lottery by means of remote communication (internet, telephone etc.) the Gambling Commission does not require them to hold a remote gambling licence.

Even those Small Societies who's Lotteries fall below the staking and prize levels that would require them to have an operating licence are still required to register with the Licensing Authority.

This Licensing Authority will take into consideration the Guidance set out by the Gambling Commission when exercising its functions with regard to Small Society and Exempt Lotteries.

Participants of a Lottery should be a minimum of 16 years of age, it would be an offence if anyone younger was permitted to enter a Lottery; therefore those Societies whom are licensed need to have written policies and procedures that state how they are going to manage their Lotteries and therefore prevent cases of under-age play.

6.2 Proceeds and Prizes

There is no maximum price for a lottery ticket.

Rollovers are allowed providing the maximum single prize limit is not breached.

A Small Society Lottery must apply a minimum of 20% of the gross proceeds of each Lottery directly to the purposes of the Society. Up to a maximum of 80% of the gross proceeds of each Lottery may be divided between prizes and the expenses of the Lottery. The maximum prize in a single Lottery is £25,000 in the case of a Small Society Lottery.

6.3 Policy

This Licensing Authority will keep a register of all applications for Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority.

An application will be refused by this Licensing Authority if:-

- an applicant has held an operating licence that has been revoked in the preceding 5 years;
- or they have applied for registration of an operating licence in the preceding 5 years that has been refused.

This Licensing Authority will seek advice from the Gambling Commission if they are unsure about a refusal of an application.

Applications may also be refused by this Licensing Authority if they are of the opinion that:-

- The applicant is not a Non-Commercial Society;
- A person who will or may be connected with the promotion of the Lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.
- Previous lottery returns have not been provided as required.

When applicants apply to this Licensing Authority, they will need to inform the Licensing Authority the purpose in which the Society was originally established and the Society will need to declare that they represent a bona fide Non-Commercial Society and have no relevant convictions. Further information may be sought from a Society by this Licensing Authority.

When an application is going to be refused the Society will have an opportunity to make a representation against the decision. This Licensing Authority will notify the Society of the reasons for the refusal in writing.

If this Licensing Authority is of the opinion that the Lottery registration of a Society needs to be revoked, due to a reason that they would refuse the application if it were being made at the time, they will inform the Society in writing. They will outline the evidence that has led to the decision being reached to allow the Society the opportunity to make a representation.

6.4 Social Responsibility

Lotteries are a form of gambling and therefore it is the responsibility of the Society running the Lottery to make sure that children and vulnerable people are not exploited by their Lottery.

7.0 Temporary/Occasional Use Notices

7.1 Temporary Use Notices

Under Part 9 of the Gambling Act 2005 a Temporary Use Notice allows the use of a premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence and there are a number of statutory limits as regards Temporary Use Notices. Regulations state that Temporary Use Notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

Section 218 of the Gambling Act 2005 refers to a 'set of premises' and provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a notice. This is not the same as the references to 'premises' in Part 8 of the Gambling Act 2005. The reference to 'a set of premises' prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

In considering whether a place falls within the definition of 'a set of premises', Licensing Authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

The maximum period by which a "set of premises" may be the subject of a Temporary Use Notice is 21 days within a period of 12 months. A set of premises may be the subject of more than one Temporary Use Notice in a period of twelve months provided the maximum aggregate for which the Temporary Use Notices have effect does not exceed 21 days.

If this Licensing Authority feels that Temporary Use Notices are resulting in allowing regular gambling to take place in a place that could be described as one set of premises, it will object.

Acknowledgement to the applicant will be made by this Licensing Authority when they are in receipt of a Temporary Use Notice.

7.2 Occasional Use Notices

Section 39 of the Gambling Act 2005 provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Gambling Act 2005 for applying for an Occasional Use Notice are different to those for Temporary Use Notices.

While tracks are normally thought of as permanent racecourses, this Licensing Authority would note that the meaning of ‘track’ in the Gambling Act 2005 covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place.

This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the Occasional Use Notice provisions (for example agricultural land upon which a point-to-point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

This Licensing Authority will, however, consider what constitutes a ‘track’ on a case-by-case basis and will keep a record of the number of notices served to ensure that the statutory limit of 8 days in a calendar year is not exceeded.

7.3 Travelling Fairs

The Gambling Act 2005 defines a travelling fair as “wholly or principally” providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines, but must comply with the legal requirements about the way the machine operates.

It will fall to this Licensing Authority to decide:

- whether the applicant falls within the statutory definition of a travelling fair
- whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met
- and whether category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs in this county.

It should be noted that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

8.0 Decision Making

8.1 Representations

Licensing Authority Officers will make the decision as to whether representations received for applications are irrelevant, frivolous or vexatious. For a representation to be relevant it needs to relate to one of the three licensing objectives and be made by a Responsible Authority or Interested Party.

Representations made in relation to demand or competition will not be accepted as relevant, moral objections to gambling will also not be accepted. Representations will not be considered relevant if the issues raised can be dealt with by other legislation.

If it is the case that a representation is rejected then the person who made the representation will be informed in writing that it will not be considered.

Those wishing to make a representation against an application are encouraged to do so as soon as possible in order to allow time for both parties to mediate and come to an amicable resolution. This could involve the voluntary agreement of the applicant to place conditions on their licence.

The decision of the Licensing Authority Officer that the representation is not accepted cannot be appealed against.

8.2 Conditions

Any conditions attached to licences will be proportionate and will be:-

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as a way in which the licensing objectives can be met effectively.

If there is a breach of licence conditions these will be dealt with by enforcement action (see Inspection and Enforcement section for further details).

8.3 Door Supervisors

The Gambling Commission advises in its Guidance for Local Authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Where operators and Licensing Authorities decide that supervision of entrances/machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

8.4 Delegated Powers

Licensing Authority Officers will be responsible for issuing licences and permits for applications where no representations were received; and when representations were received but it was agreed upon by all parties that it would be unnecessary for a hearing to take place. Licensing Authority Officers will also be responsible for determining whether a Licensing Sub-Committee is needed to decide upon applications and representations for reviews of premises licences or permits.

For those instances where representations have been made by an Interested Party and/or a Responsible Authority a hearing will be arranged and a Licensing Sub-Committee will sit to determine the outcome of the application. The Licensing Sub-Committee will be made up of three Councillors. Councillors from the same area as the application will not be able to sit on that Licensing Sub-Committee for that hearing.

The decision of the Licensing Sub-Committee will be sent to the applicant and all of those who had made a relevant representation. The decision will be clear, concise and include the reasons for the decision.

8.5 Provisional Statements

Section 204 of the Gambling Act 2005 provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:-

- Expects to be constructed
- Expects to be altered; or
- Expects to acquire a right to occupy

Provisional statements are dealt with in the same way as premises licence applications. Representations may be made by Responsible Authorities and Interested Parties, and there is a right to appeal.

An application for a provisional statement differs from an application for a premises licence in as much as those applying for a provisional statement do not have to fulfil the same criteria as those applying for a premises licence. In order to apply for a premises licence the applicant must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have

the right to occupy the premises. These criteria do not have to be in place at the time of submitting a provisional statement application.

As a provisional statement can be applied for without the applicant having the right to occupy the premises this Licensing Authority can accept more than one provisional statement for a premises.

When a provisional statement has been granted, this Licensing Authority is restricted by what it can consider when the premises licence application is submitted for the same premises. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this Local Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- which could not have been raised by objectors at the provisional licence stage; or
- which, in the authority's opinion, reflect a change in the operator's circumstances;
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this Licensing Authority will discuss any concerns they have with the applicant before making a decision.

9.0 Inspection and Enforcement

9.1 Enforcement

The Gambling Commission will be the enforcement body for operating and personal licences along with illegal gambling. The Licensing Authority will take the lead in ensuring compliance with licences/permits and any relevant Gambling Commission Codes of Practice.

This Licensing Authority will be guided by the Gambling Commission's Guidance for Local Authorities when it comes to enforcement action they will take against premises. The action will be:-

- **Proportionate:** regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

9.2 Inspection

This Licensing Authority aims to inspect premises on a risk based approach to secure compliance with the Gambling Act 2005, the Gambling Commissions Code of Practice and the licensing objectives.

Authorised Officers will have the discretion as to the frequency of inspections and which premises require an inspection while gambling activities are taking place. Where appropriate joint visits will take place encompassing a number of relevant agencies.

Inspections may be carried out on Temporary Use Notices and Occasional Use Notices to ensure that the licensing objectives are being promoted.

This Licensing Authority will inspect those premises that are a higher risk or have a history of complaints more frequently than those premises with lower perceived risks.

9.3 Complaints

Wiltshire Council as the Licensing Authority will investigate all complaints received related to gambling activities and will have regard for the licensing objectives when addressing any complaints. Licensing Authority Officers will refer complaints to or liaise with other relevant agencies/council services as appropriate in order to get complaints addressed.

9.4 Reviews

The Gambling Act 2005 sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted.

Requests for a review of a premises licence can be made by Interested Parties or Responsible Authorities; however, it is for the Licensing Authority to decide whether the application for review is accepted. Consideration will be made as to whether the request:-

- is frivolous, vexatious or
- will certainly not cause this authority to wish alter/revoke/suspend the licence, or
- whether it is substantially the same as previous representations or requests for review.
-

This will be on the basis of whether the request for the review is relevant to the matters listed below:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this Licensing Authority's Gambling statement of principles

When a valid representation against a premises or a valid application for a licence to be reviewed has been received by this Licensing Authority from an Interested Party; this Licensing Authority may arrange for a meeting between the Interested Party and Licence Holder in order to try to reach an appeasement in relation to the issues raised. This may not always be appropriate and therefore the Licensing Officer may deem a hearing by the Licensing Sub-Committee necessary.

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

In a hearing to determine an application for a licence or consider a review application, the overriding principle adopted by this Licensing Authority is that each application will be considered on its own individual merits. Licence conditions applied at such a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

Upon review of a premises licence, this Licensing Authority must, having regard to the application for review and any relevant representations, take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:-

- the modification of the conditions of the licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor;
- the suspension of the licence for a period not exceeding three months;
- the revocation of the licence.

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Appendix A – Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub Committee	Officers
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

Appendix B – Responsible Authorities

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- Gambling Commission
- Police
- Fire Service
- Local Planning Authority
- Environmental Health
- HM Revenue and Customs

In relation to a vessel;

- a Navigation Authority,
- the Environment Agency,
- the British Waterways Board,
- the Secretary of State.

A Licensing Authority in whose area the premises is situated that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two.

A body designated in writing that is competent to advise the Authority in matters relating to the protection of children from harm: Wiltshire Children's Services Department.

Appendix C – Useful Contacts

Gamble Aware
www.gambleaware.co.uk

GamCare
Head Office
2nd Floor
7-11 St John's Hill
London
SW11 1TR

Main switchboard: 020 7801 7000
Fax: 020 7801 7033
Email: info@gamcare.org.uk

Freephone: 0808 8020 133

<http://www.gamcare.org.uk/about-us>

Domestic Abuse
<https://www.victimsupport.org.uk/help-victims/ive-been-affected/domestic-abuse>

Womens Aid
<http://www.womensaid.org.uk/>

Gamblers Anonymous UK
<http://www.gamblersanonymous.org.uk/>

Samaritans
<http://www.samaritans.org/>

Debt Advice

Step Change
<http://www.stepchange.org/Howwecanhelpyou/Debtadvice.aspx>

Citizens Advice Beareu
http://www.adviceguide.org.uk/wales/debt_w/debt_help_with_debt_e.htm

National Debt Line
<https://www.nationaldebtline.org/>

Gov.uk
<https://www.gov.uk/options-for-paying-off-your-debts/overview>

Money Advice Service
<https://www.moneyadviceservice.org.uk/en/tools/debt-advice-locator>

Further Information

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Fax: 0121 230 6720

Telephone: 0121 230 6666

Email: info@gamblingcommission.gov.uk

Business opening hours: 9am to 5pm, Monday to Friday

<http://www.gamblingcommission.gov.uk/Home.aspx>

The Licensing Authority
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

publicprotectionnorth@wiltshire.gov.uk

www.wiltshire.gov.uk

Department for Culture, Media and Sport

<https://www.gov.uk/government/organisations/department-for-culture-media-sport/about>

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 103 provides:

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

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

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

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

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Wiltshire Council

Council

29 September 2015

**Notice of Motion No. – Highways and Streetscene maintenance Contract
Councillors Jon Hubbard and Jeff Osborn**

To consider the following motion:

"Council notes the decision of the Cabinet to end the BBLP Highways and Street-scene maintenance contract 2 years early.

Council requires the Cabinet member to instigate an independent enquiry into the issues surrounding this contract, specifically:

Identifying and detailing the perceived savings that the council claims to have achieved, and why if such savings were being achieved the council felt it necessary to end the contract early?

In tendering the contract was the case for an "in house" operation seriously considered?

What were the performance issues experienced with the contract?

What the true costs are to Wiltshire Taxpayers resulting from the early ending of the contract

What lessons should be learnt from the failure of this contact for any future contacts the council considers awarding?

Why has it been necessary for all details about the ending of the contract to be kept secret, what is being hidden from the taxpayers?"

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Wiltshire Council

Council

29 September 2015

**Notice of Motion No. 25 – Syrian Refugees
Councillors Jon Hubbard and Gordon King**

To consider the following motion:

“Council notes that over 6 million people have been displaced in Syria and over 3 million people have fled to nearby countries; further notes that thousands of displaced Syrian people have attempted to cross the Mediterranean and have died in the process.

Council recognises the Government’s support through the international aid programme and the recent commitment to resettle 20,000 refugees from the camps in Syria over the next few years.

Council further notes the opportunity to safely resettle the most vulnerable refugees through the Syrian Vulnerable Persons Relocation Programme.

Council recognises that it is our moral responsibility to do all we can as a Council and as a country to help to alleviate this once in a generation humanitarian crisis.

Council resolves to participate in the Syrian Vulnerable Persons Relocation Programme; and calls on local people to contact the council if interested in fostering refugee children or if there are offers of suitable self-contained accommodation”.

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Briefing on Wiltshire and the Syrian Vulnerable Persons Relocation Scheme

Purpose of this briefing

To provide information on the Syrian Vulnerable Persons Relocation (VPR) scheme and an update on Wiltshire's participation in the scheme.

Background

Syrians are currently entering the UK through two main legal avenues – 1. claiming asylum once in the UK and 2. through two relocation programmes run in cooperation with the UNHCR – the Syrian Vulnerable Persons Relocation scheme and the Gateway Protection Programme.

1. Asylum

Asylum claims are processed within the UK, and whilst waiting for a decision, asylum seekers are dispersed away from London and the South East to cities across the UK. In the South West, Plymouth, Bristol, Gloucester and Swindon are designated Home Office dispersal areas and have Home Office, legal and voluntary sector infrastructure in place to support this. Whilst claims are being processed asylum seekers are forbidden from working, restricted to Home Office procured accommodation and receive reduced levels of benefits. Unaccompanied asylum seeking children become the responsibility of the relevant local authority.

If granted asylum (typically as a refugee or under Humanitarian Protection, for 5 years), then individuals are entitled to work, to claim mainstream benefits where eligible and to live where they wish. In due course, refugees or people with humanitarian protection are able to apply for settlement or UK citizenship.

From the beginning of the Syrian crisis in early 2011 to the first quarter of 2015, almost 4,200 Syrian refugees were granted asylum in the UK in the initial decision made on their application.

2. Relocation Programmes

A person must be in the UK to make an application for asylum for themselves and their dependents. However, the most vulnerable people may not be capable of undertaking the journey from Syria to the UK, or may have dependents that cannot make that journey. In recognition of this, the Home Office currently support two relocation schemes where asylum claims are processed in a third country.

The **Gateway Protection Programme** is a scheme operated in partnership with the United Nations High Commissioner for Refugees (UNHCR) and co-funded by the European Union (EU), offering a legal route for a quota of UNHCR-identified refugees to settle in the United Kingdom. Since its inception (2004), the programme has enjoyed broad support from the UK's main political parties. The Gateway Protection Programme initially operated a quota of 500 refugees per year, which was later increased to 750.

Under the Gateway Protection Programme and other resettlement schemes it is up to local authorities to approach the Home Office to ask for refugees to be resettled in their area. 18 councils mainly in the north of England receive these 'quota refugees'.

In January 2014 the UK Government announced that it would use its 'quota refugee' programme, the Gateway Protection Programme, to resettle refugees from Syria. The Government also announced that some more people from Syria may be given protection in the UK under a new **Syria Vulnerable Persons Relocation Scheme**. This scheme would be focused on the most vulnerable.

The Vulnerable Persons Relocation scheme gives Syrian refugees a chance to be resettled in the UK. It focuses on transferring refugees from the region of Syria to the UK. The scheme targets the refugees "at greatest risk", where "evacuation from the region is the only option", according to the government. It says that particular attention is paid to survivors of torture and violence, the elderly, or women and children who need medical care. The scheme was launched after the UN refugee agency asked countries to take in 130,000 Syrian refugees above and beyond their ordinary asylum intake. The scheme has so far seen 216 people allowed to come to the UK.

Resettlement programmes such as the Gateway Protection Programme and the Vulnerable Persons Relocation Scheme provide 12 months of funding from central government to support local authorities in the initial costs of bringing new people into their area and helping them to settle and build new lives. The funding covers health, education, accommodation and integration support. A Home Office case worker is also allocated. The resettled refugees are granted five years' Humanitarian Protection status, with all the rights and benefits that go with that status, including access to public funds, access to the labour market and the possibility of family reunion.

Latest Government Announcements and Related Campaigns

David Cameron announced on 7 September that the UK is to provide resettlement to 20,000 more Syrian refugees by 2020, in response to the crisis. The extra refugees will come from camps bordering Syria, and not from among people already in Europe. The Syrian Vulnerable Persons Relocation Scheme will be used to achieve this, with the initial 12 months of funding support for local areas now coming from the international aid budget. Further details, including on possible funding after 12 months, are awaited and it is understood this is being considered as part of the spending review.

Voluntary sector organisations such as Citizens UK have launched a 'Home for Resettled Refugees Register' – the idea being that the more properties pledged on the Register, the more local areas will be able to fully participate in the Syrian VPR scheme. This asks private landlords to register property when they:

- own a family-sized rental property in the UK;

- would be prepared to offer it as a home for a Syrian refugee family if it is vacant when there is demand in your area;
- can offer a 3 year tenancy to enable the family to have some stability when they arrive;
- are able to rent the property for the Local Housing Allowance Rate.

Wiltshire's Response

Following the PM's statement, Wiltshire Council issued the following statement:

"In Wiltshire we will always protect the vulnerable and we want to offer support to help refugees. We have been monitoring the international situation whilst proactively planning both the short-term and long-term actions for us to provide help.

"We have been examining the implications for Wiltshire, including the impact upon health, housing, education and the economy and will work closely with our partners to ensure we are fully prepared to welcome refugees.

"We will work with the Government to play our part, ensuring that any refugees who come to Wiltshire are given the support they need to become self-sufficient. We want to thank all those people from our communities who have been doing what they can to offer help – we would urge them to get in touch with international aid organisations such as the Red Cross, Unicef and Oxfam"

Angus Macpherson, Police and Crime Commissioner said:

"I think we all have a human duty to do what we can to alleviate the suffering by looking after those in such urgent need. Working on the basis that 'many hands make light work', I hope that all of us in Wiltshire and Swindon will seek to do something for these poor families and orphaned children."

Update following Wiltshire Public Service Board meeting

The Wiltshire Public Service Board met on 16 September and agreed to provide strategic oversight for those arriving in Wiltshire under the VPR scheme, linking with existing partnership boards where appropriate.

Representatives from the NHS, DWP and Wiltshire Police will sit on an operational Refugee Programme Board with Wiltshire Council representatives (with a meeting scheduled for 22 September) to identify appropriate capacity and support work underway; and to work with faith groups and the voluntary and community sector (including any existing Syrian communities) as appropriate.

Members of the public will be asked to contact Wiltshire Council to help identify suitable self-contained housing and willing participants for fostering schemes for unaccompanied children.

A further update will be provided at full council.

Carolyn Godfrey
Corporate Director

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Wiltshire Council

Council

29 September 2015

**Notice of Motion No. 26 – Community Area Transport Group (CATG) process
Councillors Chris Caswill and Jeff Osborn**

To consider the following motion:

Council notes that a process for handling responses to highways issues logged by Wiltshire residents has been centrally imposed on Area Boards and Community Area Transport Groups (CATGs). Council regrets that this process has been imposed without local consultation. Council is particularly concerned that

- (a) the process as described in the administrative flowchart is lengthy and bureaucratic, and
- (b) the process does not recognise and include the representative role of the local Wiltshire Council member, even though that role is specifically set out in the Council Constitution, and
- (c) Wiltshire Councillors who are not CATG members are limited to the largely symbolic approval of CATG representations, and
- (d) Parish and Town Councils have an effective veto on action on reside requests from residents, but are required to give first stage consideration to the residents' issues without the benefit of any professional officer advice, and
- (e) all Community Areas are being required to limit their active consideration of residents' issues to 5 at any one time, regardless of the size of the Community Area and its highway network, and
- (f) the process will be neither comprehensible nor acceptable to residents who expect their elected representatives to act on their behalf and the Council to provide timely responses to their requests

Council recognises that there are resource constraints on highways and road safety improvements as a result of the combination of Government funding cuts and Cabinet decisions. However the current lengthy and rigid process is neither effective nor consistent with representative democracy. Council therefore requests the Cabinet member for Highways to withdraw the current CATG process, to consult with backbench members, and thereafter to replace it with a more flexible system, which incorporates the representative role of the local Wiltshire Council member.

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Wiltshire Council

Council

29 September

Devolution Discussions

Purpose of Report

This report updates Council on ongoing discussions that the Council is having with the Government in respect of the Governments devolution proposals

From the turn of the year the Council has been encouraging the government to open a dialogue to explore opportunities for further devolution to Wiltshire on the basis of existing arrangements with a view that combined authorities will not be appropriate everywhere.

It is also set in the context that in this period of austerity it should be recognised that more of the same will not deliver the transformation in services that residents need. Reflecting that the benefits of the leadership of place achieved as a unitary council and the partnerships developed with other public bodies have been clearly recognised in Lord Heseltine's report 'No stone Unturned'

Over the summer period the Chancellor George Osborne called for local authorities to draw up their devolution 'wish-lists' ahead of the 4 September deadline.

To meet this tight deadline, a draft discussion document (appendix A) was submitted, following consultation with some of our key partners, to the Secretary of State for Communities and Local Government to continue the dialogue.

This is a discussion document and does not commit the council to any of the proposals contained within. It will be the responsibility of Council to consider and approve the final devolution submission following further discussions with councillors, partners and Central Government.

By opening a dialogue and gaining the support of central government it is envisaged that we can develop proposals that would deliver seamless working across a wide range of services.

The discussion document submitted to meet the deadline set by government builds on work already in progress, further developing cooperation on the use of public buildings, integrating health and social care even further, and increasing the devolution of services to community area boards.

These are all open to discussion with the opportunity to add or remove pending further discussions with government departments and partners.

For Wiltshire, this could mean that by 2020 the county aspires to have:

- Vibrant town centres and a local economy continuing to grow and outperform the English average
 - A council that is independent of central government grant
 - A 'single view' of the customer for a range of public services
 - A 'one Wiltshire, one budget' approach – where public services are free to plan for the long term with multi-year funding settlements
- Increased volunteering levels and easier secondments between public sector services. “

Proposals

a. That Council:

- i) notes the progress made to date;
- ii) debates and contributes to the initial proposals that have been put to the Secretary of State for Communities and Local Government to strengthen the councils position and enable positive and constructive discussion with central government and
- iii) delegates the Corporate Directors following consultation with the Leader of the Council to discuss and develop proposals with Secretary of State for Communities and Local Government and partner organisations.

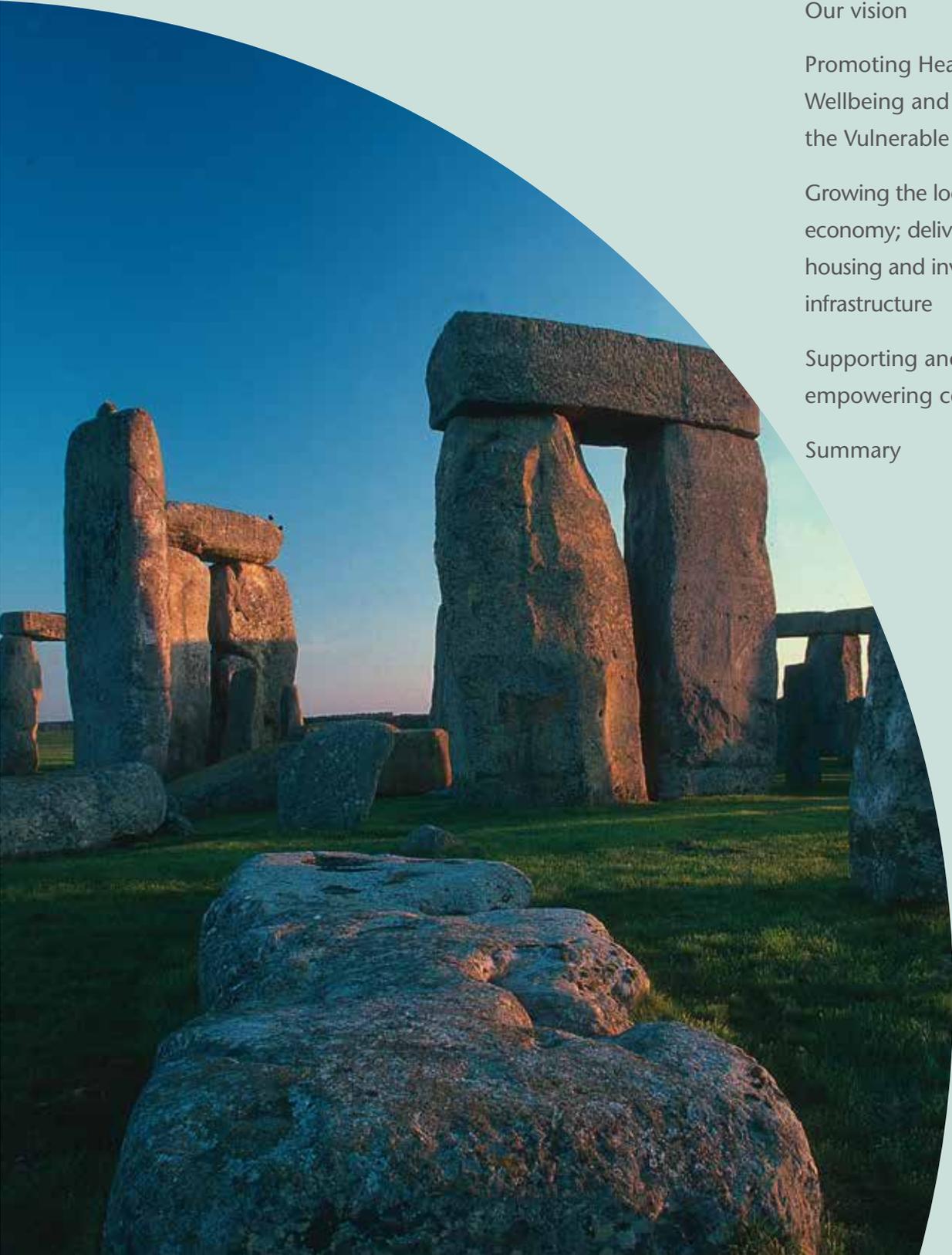
b. That the final devolution proposal is brought back to Council for approval.

Councillor Jane Scott, OBE
Leader of the Council

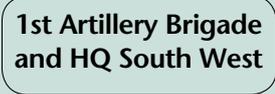


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The following bodies were consulted during the production of this document



From One Council to One Wiltshire

In 2009 Wiltshire took the **historic step** of combining five councils into one. Since then, Wiltshire Council has demonstrated a strong track record in **delivering significant savings**, transforming services and empowering local communities.

Merging the five previous authorities into one council for Wiltshire has delivered savings to the taxpayer of £125m over the last five years and back office costs now comprise less than 7% of the budget – compared to 19% for predecessor bodies. And there has been **no rise in council tax** for five years.

Wiltshire Council also inherited considerable office estate that had lacked investment and was not fit for purpose. A strategic decision was taken to reduce and rationalise 105 office buildings to three hubs. We have already achieved net savings of over £5m per annum from this approach that are being reinvested into front line services, with further savings due to be realised.

We have set up multi-agency local area boards with executive powers and delegated budgets (covering services such as highways, youth and other community initiatives) and supported parish councils across Wiltshire to take on assets and services. The £1.7m grants budget typically levers in £6 of community resources for every £1 awarded. Outcome based commissioning approaches in residential care and support for troubled families have also successfully reduced the burden on the public purse.

The importance of the military in Wiltshire – where an estimated 10% of families have someone serving in the armed forces – is set to grow further with an expanding military presence on Salisbury Plain. This has been recognised in close partnership working on military-civilian integration and the development of new facilities.

Alongside this, work with local businesses, the armed forces and neighbouring councils has delivered significant additional investment to the area – such as the Corsham Digital Community, Porton Science Park and the new Defence Technical Training College.

But this is not enough...

The key agencies in Wiltshire now want to work more closely together in a range of areas, building on the successes described above and we need Government's help to make this happen. This document sets out our proposals for devolution to Wiltshire – empowering local agencies to work more closely together and to plan for the future – and in turn protecting the vulnerable, boosting the local economy and strengthening our local communities.



Our vision

We are confident that by implementing the proposals in this document, seamless working across a wider range of services will be in place. For Wiltshire, this would mean that by 2020 we have:

Vibrant town centres and a local economy continuing to grow and outperform the English average

A council that is independent of central government grant

A 'single view' of the customer for a range of public services

Increased volunteering levels and easier secondments between public sector services

A 'one Wiltshire, one budget' approach – where public services are free to plan for the long term with multi-year funding settlements

Combined public service performance information made available to all





To deliver this vision, we propose to build on the strong governance already in place in Wiltshire, including:

- ① One unitary council led by a strong cabinet and leader model.
- ① The Wiltshire Health and Wellbeing Board, which brings together the council and the Clinical Commissioning Group, the three acute and mental health trusts, Police and Crime Commissioner, NHS England, Healthwatch Wiltshire and other partner bodies to oversee the delivery of health and social care services in Wiltshire. The Board has already had significant success in agreeing one of five Better Care Plans to be fast tracked for sign off by government.
- ① The Swindon and Wiltshire Local Enterprise Partnership, which has successfully brought together local government and businesses to deliver millions of pounds of investment in Wiltshire.
- ① In addition, we propose to enhance the existing Wiltshire Public Services Board (which brings together representatives of all the key local public service bodies including the Ministry of Defence, DWP, Wiltshire Fire and Rescue Service, Wiltshire Police, Community Rehabilitation Company, NHS Wiltshire Clinical Commissioning Group, Wiltshire College, Natural England, Environment Agency, Police and Crime Commissioner and the Homes & Communities Agency) to ensure the chairs of the Health and Wellbeing Board and Local Enterprise Partnership are represented and able to work together to oversee the implementation of these devolution proposals.



Summary

Creating stronger and more resilient communities



We commit to:

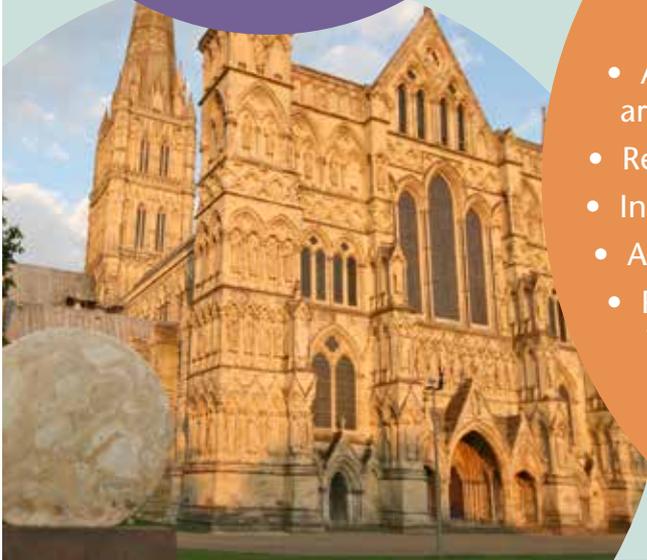
- Further developing cooperation on public estates
- Delivering an ambitious Health and Wellbeing Community Centre programme

- Delivering place based budgets for local populations for health and social care
- Blending health and social care funding to support integrated personal commissioning
- Fair funding arrangements for Safeguarding Boards
- Increasing accommodation provision to meet diverse needs of Wiltshire residents
- Embedding the Community Rehabilitation Company in joint working arrangements
- Innovative health and social care practice at the very heart of planning

- Transferring hundreds more assets and services to local communities
- Increasing the involvement of volunteers and the voluntary sector in public services
- Increasing devolution of services to our community area boards

- An increase in skilled employment opportunities for all

- Increasing long term investment in highways infrastructure
- A specific fund and programme of work for army basing
- Revitalising town centres
- Increasing recycling rates
- Accelerating the delivery of new housing
- Roll-out superfast broadband to 91% of Wiltshire by 2016
- Plan jointly for future housing growth in Swindon and Wiltshire, initially producing a joint strategic housing market area assessment



of proposals

In return we would like government to:

- Simplify management of the public estate

- Agree long term, multi-year funding settlements
- Fully devolve additional public health functions
- Devolve funding from Health Education England
- Enable better sharing of data between local partners
- Work with Wiltshire Council and Wiltshire CCG to develop new commissioning models

- Give the council greater control of council tax
- Work with Wiltshire Council to investigate the possibility of community area capital raising powers
- Transfer surplus government owned assets to Wiltshire
- Review the number of Wiltshire Councillors
 - Agree a flood protection package for Wiltshire

- Remit all business rates so that we can be independent of central government grant
- Devolve responsibility for business rate assessment and appeals
- Provide business rate relief for Wiltshire Council car parks
- Devolve employment and skills funding
- Support pooled funding for roads maintenance
- Retain landfill tax for investment locally in recycling infrastructure
- Devolve the Bus Service Operators Grant
- Provide Wiltshire Council with new powers to 'step in' where development delivery stalls
- Provide Wiltshire Council with enhanced controls and powers to charge a public utility for licences for work on our highway
- Increase the council's ability to borrow against future revenue growth directly related to development projects
 - Lift housing borrowing limits and devolve Homes and Community Agency land and funding
 - Improve north-south road transport connectivity



Our Proposals for One Wiltshire

Wiltshire has made strong progress on joint working on back offices and public estate in recent years – delivering significant financial savings, releasing land for housing and private sector investment and improving the delivery of services.

Wiltshire Council has worked closely with Wiltshire Police to combine back office services (including a joint IT solution across both estates and a single, jointly funded project management team) and to co-locate frontline and neighbourhood police teams as well as other staff in our Multi Agency Safeguarding Hub.

We recognise that improved public estate management is an important enabler for delivering seamless working across a range of priorities.

In light of this we commit to:

-  Further developing cooperation between Wiltshire Council and other bodies such as the NHS, Wiltshire Police, the Department for Work and Pensions and Wiltshire Fire and Rescue Service (with a major public estate review underway as a result of combining forces with Dorset).
-  Delivering an ambitious Health and Wellbeing Community Centres programme. This programme is developing plans to rationalise the public estate and co-locate public services in towns across Wiltshire. The first Health and Wellbeing Community Centre has already opened in Corsham and brings leisure, health, library and community services together with the neighbourhood police team. Wiltshire Council and partners have agreed £80m of investment in the next seven centres – freeing up considerable estate across the public sector and delivering running costs which are typically 40% lower than for existing facilities.

Wiltshire Council's back office costs have reduced from 19% to 7%.

£5m p.a is being saved through Wiltshire Council's property rationalisation.



In return we would like government to:

- 1 Simplify local public estate management.

The model of care we wish to deliver in Wiltshire involves clustering integrated health and social care teams around GP surgeries to deliver joined up services to the local population. We are making provision for GP surgeries and out of hospital care within our Health and Wellbeing Community Centres wherever possible. However, the funding formula for the NHS takes time to catch up with increases in populations, which can inhibit effective forward planning; and oversight of the NHS estate is now split between seven different NHS bodies in Wiltshire, which can complicate delivery and stifle innovation. We think there is a better way.

Wiltshire Council has both the financial flexibility and longevity to assemble meaningful land packages and bring public sector partners together in mutually beneficial arrangements. We would welcome government support to develop a mutually agreeable arrangement for joint working with in a combined public estate (NHS, MOD etc). To the extent that this could enable capital receipts from the local public sector estate to be pooled and invested locally.

As a first step, we would welcome support for a transfer of land from Great Western Hospitals NHS Foundation Trust (GWH), which inherited considerable estate from the former Wiltshire Primary Care Trust that forms the basis of current community hospital provision in towns across Wiltshire. To enable this to happen, Wiltshire Council would like support from the Treasury under prudential borrowing rules to buy out GWH's existing Private Finance Initiative (PFI) deal.

We would also welcome support to bring the three secondary schools in Wiltshire built under PFI back into the ownership of academies. This will encourage local responsibility and empower local schools with additional flexibility in their estates management and plans for managing growth in pupil numbers.

The Health and Wellbeing Community Centre programme is about improving health and wellbeing outcomes and community resilience across Wiltshire. In return we will be looking to gain business rate relief on these vitally important community assets. This will be an important driver for encouraging co-location and the integration of services within the health and wellbeing centres.

We now set out our commitments and proposals for further devolution in specific areas.

- 2 Promoting Health and Wellbeing and Protecting the Vulnerable
- 3 Growing the local economy; delivering housing and investing in infrastructure
- 4 Supporting and empowering communities

Wiltshire Council has both the financial flexibility and longevity to assemble meaningful land packages and bring public sector partners together in mutually beneficial arrangements.



Promoting Health and Wellbeing and Protecting the Vulnerable

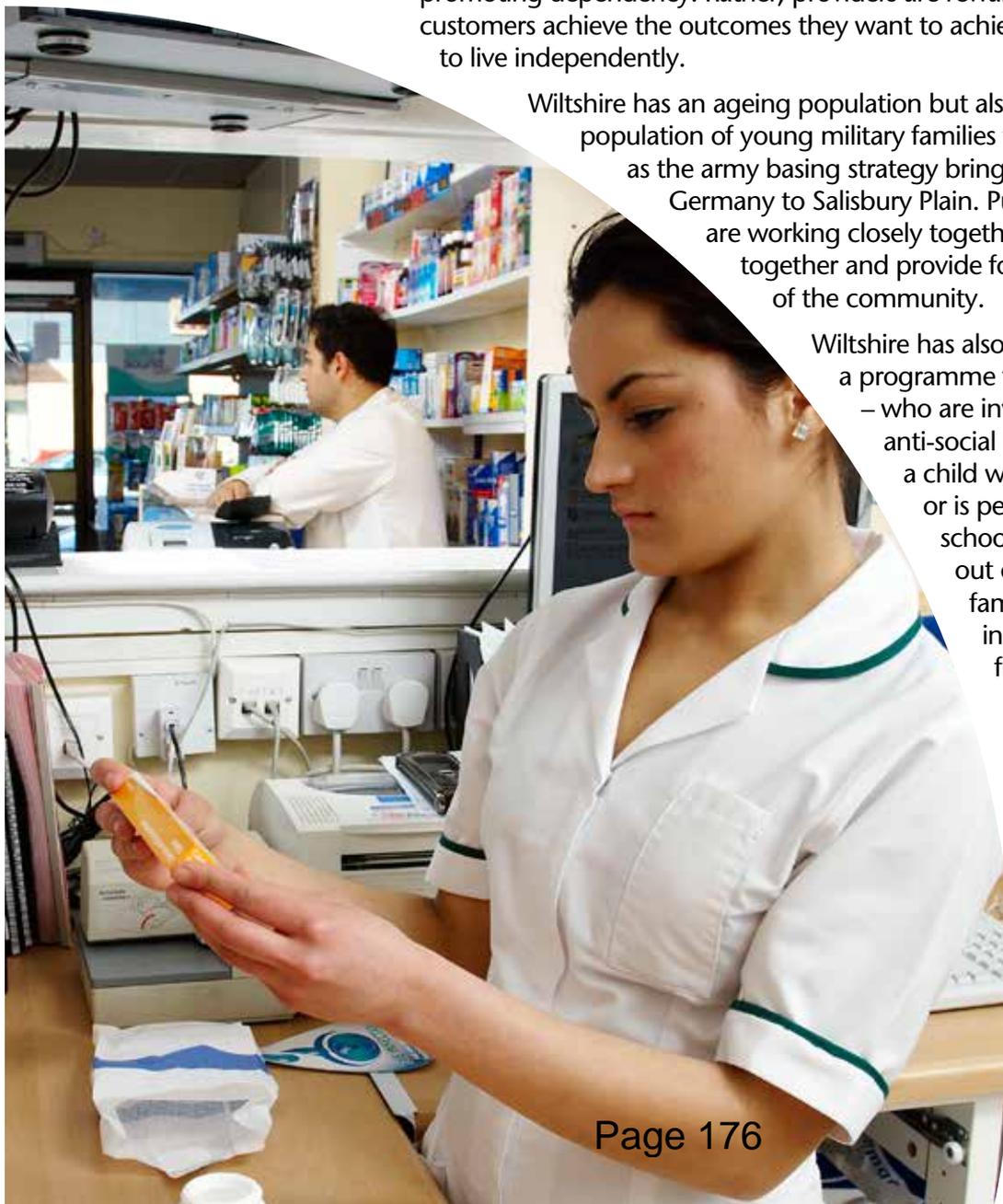
Wiltshire has a very strong Health and Wellbeing Board. It has already delivered ambitious plans for the integration of health and social care and was one of five areas with a plan fast-tracked for sign off by government. Our £31m Better Care Plan for 2015/16 outlines a model of care which will divert significant demand away from acute hospitals and lead to more care at or closer to home.

We have also delivered innovative commissioning arrangements – our Help to Live at Home Service has been recognised for its innovative approach to supporting people at home and avoiding dependency on institutional care. This has been achieved through introducing an outcomes-based payment by results model which is different from the traditional means of paying providers, typically on a ‘per hour’ basis for the care that is delivered, which provides a perverse incentive for promoting dependency. Rather, providers are rewarded for helping their customers achieve the outcomes they want to achieve and enable them to live independently.

Wiltshire has an ageing population but also has a unique population of young military families which is set to grow as the army basing strategy brings troops back from Germany to Salisbury Plain. Public service partners are working closely together to prepare plans together and provide for this important part of the community.

Wiltshire has also successfully delivered a programme for troubled families – who are involved in crime or anti-social behaviour; and have a child who has been excluded or is persistently absent from school; or are in receipt of out of work benefits. 510 families have received intensive support from the Wiltshire Families First Service, provided by Action for Children, which has turned around the lives of all the families involved.

We now want to go further than this.





Our Proposals for One Wiltshire

We commit to:

-  Deliver population place based budgets, incentivised to improve prevention.
-  Blending health and social care funding to create integrated personal commissioning budgets for more patient groups, such as people with learning disabilities or mental health problems.
-  Moving towards a fair funding arrangement for Wiltshire's Children's and Adult Safeguarding Boards, which reflect the involvement of each partner. We will also develop a Multi Agency Safeguarding Hub for adults.
-  Provide accommodation to meet the diverse housing needs of residents in Wiltshire, within the Government's housing and planning guidance.
-  Embedding the success of the Community Rehabilitation Company in joint working with the Local Criminal Justice Board, the Crime Reduction and Community Safety Strategic Board and our Community Safety Partnership to deliver outcomes based commissioning approaches on rehabilitation related to mental health, substance misuse, domestic abuse and troubled families issues.
-  Designing and developing new schemes that put innovative health and social care practice at the very heart of planning.





In return we would like government to:

-  Agree long term, multi-year funding settlements for Wiltshire Council and public service partners such as NHS Wiltshire CCG.
-  Fully devolve additional public health functions that do not need to be held by Public Health England and NHS England to Wiltshire Council; and enable full integration of public health with council services.
-  Devolve funding from Health Education England

Currently, Wiltshire is unique in that it is the only place in the country to be split between two local education and training boards (Health Education Wessex and Health Education South West). Additionally, Health Education England's plans focus only on the health workforce and not the social care workforce, despite significant overlaps in need between the two.

We would welcome further devolution of funding from Health Education England to help deliver these ambitions. This would help address the split responsibilities outlined above and deliver greater input from commissioners into planning for the needs of the future workforce.
-  Enable better sharing of data between local partners by cooperating with us to remove unnecessary barriers.
-  Work with Wiltshire Council and Wiltshire CCG to develop new commissioning models that incentivise a preventative approach.

In time this will deliver significant benefits for taxpayers.





Growing the local economy; delivering housing and investing in infrastructure

In Wiltshire we have ambitious plans to grow our local economy in a sustainable way. The success of this will be vital to unlocking the full potential of the county.

We know that Wiltshire businesses prefer to deal with one local authority instead of speaking to multiple authorities, where each has a slightly different focus, set of priorities and objectives.

With renewed focus we have worked with local businesses and Swindon Borough Council to establish the Swindon and Wiltshire Local Enterprise Partnership; and agree long term priorities across our economic geography – including a radical city deal with government.

The right infrastructure also needs to be in place to support this – investment in training and skills to improve availability of quality employment opportunities, well planned and maintained highways, broadband, renewable energy or investment to encourage businesses to relocate here. We have already delivered additional investment and are rolling out superfast broadband to 91% of Wiltshire by 2016.

Over the next few years, Wiltshire has a number of opportunities to capitalise further on the progress we have made. This will include preparing for the move of 4000 additional troops and their families from Germany to Wiltshire and overseeing the significant investment in infrastructure (such as schools and health services) that is needed to prepare for this.





Roll-out superfast broadband to 91% of Wiltshire by 2016 and explore technological solutions to reach the remaining 9%



Our Proposals for One Wiltshire

We commit to:

-  Further reductions in the numbers of long term unemployed and young people not in education, employment or training and an increase in skilled employment opportunities for all.
-  Increasing long term investment in highways infrastructure.
-  Delivering a specific fund and programme of work for army basing.
-  Revitalise town centres.
-  Increase recycling rates.
-  Accelerating the delivery of the housing and affordable housing numbers agreed as part of the core strategy.
-  Roll-out superfast broadband to 91% of Wiltshire by 2016 and explore technological solutions to reach the remaining 9%.
-  Plan jointly for future housing growth in Swindon and Wiltshire, initially producing a joint strategic housing market area assessment.

In return we would like government to:

- ① Provide business rate relief for Wiltshire Council car parks so that we can revitalise town centres by reducing parking fees.
- ① Devolve employment and skills funding to form part of the Strategic Economic Plan and grant Intermediary Body status to the LEP.
- ① Allow Wiltshire Council to pool funding for roads maintenance with Highways England and co-commission repairs and improvements where there is likely to be an impact on the local road network.

Our localised approach has been combined with planned increases in investment in highways by £52m, which will mean resurfacing over 150 miles of road a year, every year, for six years, to improve the county's road network.

- ① Provide Wiltshire Council with enhanced controls and powers to charge a public utility for licences for work on our highways.
- ① Provide long term funding settlements to Wiltshire Council which enable longer term investment in highways and better alignment with the work of Highways England.
- ① Allow Wiltshire Council to retain landfill tax for investment in recycling infrastructure.

It would also allow Wiltshire Council to explore provision of services to the commercial waste sector.

Greater influence on adult skills funding, apprenticeship grants and further education



Provide
business rate relief
for Wiltshire Council
car parks so that we
can revitalise town
centres

The benefits of
the leadership
of place we
have been
able to bring
as a unitary
council and our
partnership
with other
bodies have
been clearly
recognised in
Lord Heseltine's
report
'No Stone
Unturned'.

In return we would like government to:

-  Devolve the Bus Service Operators Grant.
-  Provide Wiltshire Council with new powers to 'step in' where development delivery stalls.
-  Increase the council's ability to borrow against future revenue growth directly related to development projects.
-  Increase Housing Revenue Account borrowing limits and devolve Homes and Community Agency land and funding so Wiltshire Council can invest in meeting the high demand for housing that exists locally.
-  Remit all business rates so we can be independent of central government grant.
-  Devolve responsibility for business rate assessment and appeals.
-  Improve north-south road transport connectivity.

The council has used opportunities provided by the local growth fund to bring about improvements on the A350 as the main north-south connection through area. However, there is still a need to provide better connectivity within the strategic road network to better support the economy with improved transport, linking the south coast to the M4 and beyond. We ask for support from government to work with Highways England and surrounding authorities to find and deliver a solution for a better north-south link.

Allow Wiltshire
Council to pool funding
for roads maintenance
with Highways England and
co-commission repairs and
improvements where there is
likely to be an impact on the
local road network

Supporting and empowering communities

In establishing Wiltshire Council, radical steps were taken to empower our local communities. Parish councils – including Salisbury City Council – were created to address any gaps across the county. A large transfer of assets was undertaken from the new Wiltshire Council to the new City Council with an estimated value of £1.2m – which included a wide range of land and property including park land, the crematorium and lettable space (such as offices) which could generate an income. This established Salisbury City Council with an income and asset base from day one. To date, the council has agreed an additional 116 Community Asset Transfers (CATs) to parish councils and community groups and a further 78 are underway.

18 area boards have also been established – focused on market towns and their hinterlands – and these oversee the allocation of resources of at least £1.7m every year. The boards bring together locally elected councillors with town and parish councils, the neighbourhood police team and other locally based public services to agree local priorities and action.

Devolving services and resources to area boards, parish and town councils and community groups is cost effective and sharpens the focus of public services, brings in additional resources and achieves better outcomes. Local grant funding is currently leveraging in £6 of community resources for every £1 awarded.

Area Boards are also working to get the best out of all publicly owned land and buildings – establishing community engagement boards that bring invaluable local knowledge together with technical expertise to identify opportunities to rationalise, invest in and improve local facilities in areas where a business case has been approved.

Wiltshire Council helped 2000 volunteers get involved in local projects last year, from tree planting to Dementia Friends and footpath maintenance. Around 1100 volunteers also helped with the delivery of council services such as libraries, heritage and arts – enabling longer opening hours and enhancing service delivery.



Seven community centres have had business cases approved, with £80m of funding allocated for their provision



Our Proposals for One Wiltshire

We commit to:

-  Transferring hundreds more assets and services to local communities.
-  Working with Wiltshire Police, Wiltshire Fire and Rescue Service and Great Western Ambulance Service, DWP, VCS organisations, GPs and other health partners to co-locate a range of services within Health and Wellbeing Community Centres in market towns across Wiltshire.
-  Increasing the involvement of volunteers and the Voluntary and Community Sector in public services across Wiltshire at a local level.
-  Increasing devolution of services, such as adult day care, to our community area boards and supporting local areas to take forward services in an inclusive way.





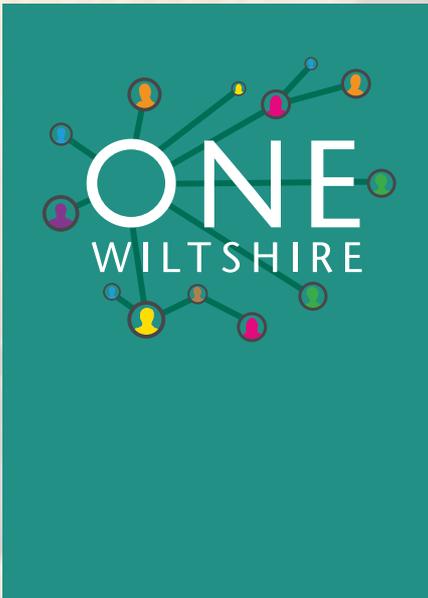
In return we would like government to:

-  Give the council greater control of council tax.
At the moment, restrictions on eligibility for council tax support and other mandatory discounts (such as single person's discount) means that these may not always be effectively targeted at individuals in need. Wiltshire would like to evaluate these to examine the feasibility of a discount for carers and a new approach to council tax on empty homes.
-  Work with Wiltshire Council to investigate the possibility of community area capital raising powers.
-  Offer greater discretion on business rates; including issues such as relief for charities and empty properties.
-  Transfer surplus government owned assets.
-  Ask the Local Government Boundary Commission to review the number of Wiltshire Councillors.
-  Agree a flood protection package for Wiltshire.

In the winter floods of 2014, Wiltshire experienced wide spread and devastating damage with more than five hundred properties flooded – this was more than three times the number of properties in neighbouring Somerset (165). Following these floods Wiltshire received much less flood alleviation funding than Somerset in spite of many more properties being flooded.

We would like the opportunity to develop a long term strategic flood prevention package for Wiltshire that captures strategic investment and funding.

Wiltshire
flood alleviation is
delivered by working
together with local
partners and local
flood groups



Summary

Wiltshire stands on the cusp of something truly special.

All of the public service partners in the county are committed to working more closely together and delivering a stronger economy, protecting the vulnerable and empowering our communities.

We have excellent working relationships that reflect our unique geography. Wiltshire borders nine top-tier authorities – more than anywhere else in the country. Swindon Borough Council is a key partner in areas such as the Local Enterprise Partnership, Fire and Rescue Service and Police, which are all covered by cross border arrangements.

We are putting forward these proposals for Wiltshire with strong governance arrangements. We will explore further cooperation with Swindon to deliver the results the area needs where agreed.

We know that in a time of austerity, more of the same will not deliver the transformation in services our residents need.

The proposals in this document, combined with our track record of success and ambitious plans for the future, offer the opportunity to truly empower organisations in Wiltshire to act in the long term interests of local people.

We will work with government to make them happen.



Wiltshire Council

Council

29 September 2015

Community Governance Review – Progress report

1. Purpose of Report

- 1.1. The purpose of the report is to update councillors with progress on the Community Governance Review (CGR), with special reference to consultations now in hand, and to prepare the ground for a full report at the next meeting of Council on 24 November 2015.

2. Background

- 2.1. A Community Governance Review is a review of the whole or part of the Council's area to consider one or more of the following:-
 - Creating, merging, altering or abolishing parishes
 - The naming of parishes and styles of new parishes
 - The electoral arrangements of parishes (including the number of councillors to be elected to the council and parish warding)
 - Grouping or de-grouping parishes
- 2.2. The Council has appointed a Working Group to carry out this Review and to make recommendations to the Council in due course. The Working Group comprises a representative from each group of the Council (with a substitute permitted to attend). Individual members of the Working Party have been mindful of their position as local members in some cases, and have received advice and guidance in that respect from the Council's Monitoring Officer.
- 2.3. The Review has to ensure that the community governance arrangements within the areas under review reflect the identities and interests of the communities concerned and are effective and convenient to local people
- 2.4. A number of schemes are currently out to consultation by one of two methods, in each case with a Frequently Asked Questions help sheet, and supported in each case by the council's website at <http://www.wiltshire.gov.uk/council/communitygovernancereview2015.htm>
 - 2.4.1. By individual letters to the residents and relevant town or parish councils. A copy was also sent to all local Wiltshire Councillors in the wider area affected. Both they and the parish or town council also received a property list.

- 2.4.2. By arranging public meetings to discuss the proposals. Again, this has been communicated to the parish or town councils and local Wiltshire Councillors, with the same supporting information.
- 2.5. A list of schemes currently out to consultation is appended at A, and a list of dates for public meetings is appended at B
- 2.6. In February 2015, Council resolved to discontinue further work on some schemes for which there no longer a local appetite to proceed. These are appended at D for information only.

3. Main Considerations for the Council

- 3.1. The terms of reference for the Working Party provided that it would identify relevant consultees and determine the most appropriate and effective methods of communication. The terms of reference provided that any representations received as result of the consultation process would be considered by the Working Party and be taken into account in formulation recommendations to the Council.
- 3.2. Members should be aware that there are proposals (set out in Appendix C) which the CGR Working Party considered did not demonstrate sufficient community identity or local administrative factors to be put out for consultation. Those schemes are not currently out for consultation. However as the final decisions on the CGR rest with the Council, this is an opportunity for members to review that list and to express any views to the CGR Working Party.
- 3.3. When parish and town councils were advised of the consultation proposals, they were also notified of the schemes which are shown in Appendix C. There is still every opportunity for councils to add comments to the consultations to draw attention to these or other areas if they wish.
- 3.4. There are currently two schemes on which it may be difficult to make a decision by November and these are not currently ready to be scheduled for residents' consultation letters or public meetings. These are:
 - 3.4.1. The Chippenham area, where all councils agreed that the re-consultation on the Development Plan Document should be completed before further detailed discussions on a possible boundary review took place
 - 3.4.2. Tisbury and West Tisbury. There is a long standing request for either a boundary change or, lately, some form of merger. The councils were asked to firm up any thoughts by January 2015. In the event, these were given to the Council during the summer of 2015, and further discussion and clarification meetings may well be required.
- 3.5. For information, the Local Government Boundary Committee for England (LGBCE) has contacted the council recently about the

possibility of undertaking a review of unitary divisions. It is too early to say whether, or when, any review may be commenced, but the council's electorate figures indicate that some form of review may required within the next few years.

- 3.6. A Frequently Asked Questions (FAQ) sheet was included with letters and is available on the website and at Appendix E. Whilst individual council tax is not a matter specifically to take into account to influence a review, this is clearly of potential interest to electors, and a clear reference has been made to it on the FAQ.

4. Safeguarding Implications

- 4.1. There are no safeguarding impacts arising from this report

5. Equalities Impact of the Proposal

- 5.1. There are no equalities impacts arising from this report

6. Risk Assessment

- 6.1. There are no significant risks arising from this report

7. Financial Implications

- 7.1. There are no financial implications arising from this report

8. Legal Implications

- 8.1. There are no legal implications arising from this report. This Review is being carried out by the Council under the powers in Part 4 of the Local Government and Public Involvement in Health Act 2007. It also has regard to the Guidance on Community Governance Reviews published by the DCLG.

9. Public Health Impact of the Proposals

- 9.1. There are no public health impacts arising from this report.

10. Environmental Impact of the Proposals

- 10.1. There are no environmental impacts arising from this report.

11. Recommendation

- 11.1. The Council is recommended to note progress with the CGR so far, and to endorse the steps taken by the Working Party to date, with a further report to be presented to the November meeting of Council.**

**Dr Carlton Brand
Corporate Director**

Report Author: John Watling

Head of Electoral Services. Telephone 01249 706599.

John.watling@wiltshire.gov.uk

17 September 2015.

Background Papers

None

Appendices

- A. Appendix A - Community Governance Proposals for consultation.
- B. A list of dates for public meetings
- C. Schemes (appended) considered by the CGR Working Party to have insufficient community identity or local administrative factors to be put out for consultation
- D. Schemes discontinued by Council on 25 February 2015. (For information only)
- E. CGR FAQ sheet for information

Community Governance Proposals for consultation.

**Area A1, A2 and B7- Salisbury and Surrounding Parishes
CONSULTATION BY PUBLIC MEETING**

1. Properties within Britford Triangle

Summary of proposal

To move the triangle of housing at the A354 Coombe Road / Old Blandford Road junction, but not the open countryside, from Britford in to Salisbury.

2 and 3. Properties within Hampton Park (part) – two options.

Please note that suggestions were received for the Bishopdown Farm area from Laverstock and Ford Parish Council and Salisbury City Council, through which their common boundary passes. The two schemes seek to move most Bishopdown Farm properties into one parish or the other, hence the current consultation on the two proposals.

Summary of proposals

Salisbury's scheme is to move the properties at Hampton Park in to Salisbury and is shown in the green hatched area on Map 3.

Laverstock and Ford's scheme is to move properties at Hampton Park in to Laverstock and Ford and is shown in the green hatched area on Map 2.

4. Properties within Halfpenny Road Estate

Summary of proposal

To extend the Salisbury City boundary to between the edge of the Harnham trading estate and Halfpenny Road. (Map – "Area A1, A2 and B7 Salisbury and surrounding parishes Map 4" refers)

5. Properties near Skew Road/Wilton Road Junction

Summary of proposal

To move the parish boundary between Salisbury and Quidhampton so that Tower Farm Cottages at the Skew Road / Wilton Road junction (currently in Salisbury parish) become part of Quidhampton parish.

6. The Avenue and Fugglestone Red Area

Summary of proposal

To transfer an area of land between The Avenue and the Fugglestone Red site from Salisbury to Wilton.

7. New cemetery land - The Avenue and A360 Area

Summary of proposal

To transfer an area of land near The Avenue and A360 to Salisbury from South Newton for the new cemetery. There do not appear to be any residential properties affected by this proposal,

Area A3 and A4 - Trowbridge and Surrounding Parishes
CONSULTATION BY PUBLIC MEETING

18. Properties within Area 3c Halfway Close and Brook (Hilperton proposal part)

At Paxcroft Mead, the present boundary between Hilperton and Trowbridge passes through residential estates, following a line approximately 250m to 300m south of the A361 road between the Hilperton roundabout and the roundabout on the A361/ Ashton Road junction.

Trowbridge Town Council and Hilperton Parish Council have both suggested schemes to rationalise the boundary in this area. The precise mapping and property lists of the area on which the Council will be consulting are still being prepared and will follow shortly. These proposals are being presented to you by the CGR Working Party completely neutrally for your feedback, and will be the subject of a public meeting.

19. and 20. Properties within Area 3a Wyke Road (Trowbridge Parish) (TTC Area 3a)

This scheme is confined to the Wyke Road area. At the junction of Wyke Road with Horse Road and Canal Road, the part of Wyke Road which is south of that junction is partly in Hilperton and partly in Trowbridge. The properties on the eastern side are in Hilperton, and those on the western side are in Trowbridge

The Council is seeking views on moving the boundary between Trowbridge and Hilperton so that both sides of Wyke Road are in the same parish. Both options (i.e. moving Hilperton properties to Trowbridge, or Trowbridge properties to Hilperton) are presented neutrally for the views of residents and others.

21. Properties within Shore Place (TTC Area 1)

Trowbridge Town Council have suggested an amendment to the boundary of Trowbridge with Wingfield in the area of Shore Place, Kingsley Place and Chepston Place.

The properties are currently in Wingfield, but other properties in the same roads are in the parish of Trowbridge.

26. Old Farm (TTC Area 4a) (West Ashton to Trowbridge)

This concerns an area of developed land and adjacent floodplain at Old Farm, off the West Ashton Road, currently in West Ashton Parish. The proposal is for the parish boundary to be moved so that this area becomes part of Trowbridge and involves just over 100 properties.

Area A6 B6 Devizes area

CONSULTATION BY PUBLIC MEETING

32. and 33. Properties within Roundway and Devizes parishes

During the course of boundary discussions, the councils of Devizes and Roundway expressed an interest in exploring the merging of their areas and Councils.

The Council's CGR Working Party has not had the opportunity to discuss this possible merger, or to form a view on it. Unitary Council boundaries do not fall within the remit of this Community Governance Review, being a matter reserved to the Local Government Boundary Commission for England (LGBCE).

In addition to the proposals set out below, there may be other implications arising from detailed discussions in this area, and one further scheme

34. Bishops Cannings and Roundway 1 (Le Marchant Area)

The Council is consulting on a suggestion to move the triangle of land currently in Roundway from Franklyn Road to Windsor Drive in to Bishops Cannings.

Secondly, a request has been received to consider a review of parish warding in Bishops Cannings. It remains unclear at this stage how far any proposal to merge Devizes and Roundway might affect this proposal. However, the internal parish wards at Bishops Cannings are currently unbalanced, due to residential growth over recent years.

35. Bishops Cannings to Roundway (Broadway House southwards)

A request was made to consider moving the parish boundary between Bishops Cannings and Roundway, so that land to the south of Brickley Lane / Broadway House becomes part of Roundway parish.

A7 Calne area

CONSULTATION BY LETTER

Previous comments from the Calne Town council suggested there is no pressing need to alter the boundaries, other than if there are significant differences between the existing boundaries and the proposed settlement boundary.

There are only four small areas where the proposed settlement boundary crosses in to the parish of Calne Without, and these are:

- | |
|---|
| 34. Sandpit Road area – no residential properties affected |
| 35. Wenhill Heights area – no residential properties affected |
| 36. John Bentley school area – no residential properties affected |

- | |
|--|
| 37. The Knowle, Stockley Lane Area – this affects six properties on Stockley Lane, and the proposal is that those properties should become part of Calne parish, rather than Calne Without parish. |
|--|

Area A8 - Corsham and Box
CONSULTATION BY PUBLIC MEETING

40. And 41. Properties within Rudloe excluding Wadswick area
(Corsham Town Council proposal)

The Council is now seeking consultation on two options:

The Corsham revised proposal map which excludes Wadswick (40). Under this option, some properties which are currently in Box would transfer to Corsham parish.

The proposals from Box Parish Council (41). Under this option, some properties which are currently in Corsham parish would transfer to Box.

42. Properties within Land to the east of the A350 main road

To transfer the land inside the A350 bypass between the A4 roundabout and the boundary with Lacock parish, near where the A350 crosses the B4528 road. This land is currently in Corsham and, if the proposal is approved, it would become part of Chippenham.

Area A9 - Melksham and Melksham Without
CONSULTATION BY PUBLIC MEETING

43. Properties within Melksham Without (Snarlton Lane, Thyme Road area)

The Council is consulting on two options for the general Melksham area. The first option is for a large scale merger of the parishes of Melksham and Melksham Without, and this has been handled separately (44 and 45).

There are four smaller schemes in the second option, and Individual letters are now being sent in respect of these four schemes (43, 46, 47 and 48), including this one south of Snarlton Lane. Please note that despite being a “smaller” scheme than a full merger, this still involves approximately 733 properties.

This is a proposal to move the boundary between Melksham and Melksham Without so that approximately 733 relatively newly built properties become part of Melksham. Currently they are situated outside the Town boundaries and are part of Melksham Without.

44. and 45 (two references, but one scheme). Whole parish

The fact finding meetings last year resulted in the CGR Working Party now wishing to consult on two options for the general Melksham area. The first option is for a large scale merger of the parishes of Melksham and Melksham Without.

46. Redraw north west boundary to align with the A365 and Dunch Lane junction

This is a proposal to align part of the north western boundary of Melksham with Melksham Without, so that it is aligned with the A365 road and Dunch Lane in the area of their junction.

No residential properties appear to be affected by this proposal.

47. Southern boundary with Seend, Locking Close and the canal - Giles Wood

This is a proposal to move part of the boundary with Seend in a southerly direction to meet the Kennet and Avon canal. This would mean that the path between Locking Close and the canal would become part of the Melksham Without parish.

No residential properties appear to be affected by this proposal.

48. Land between Berryfield Lane and the River Avon – LCP

This is a proposal to rationalise the boundary of land common to both parishes (LCP) using the river as the proposed boundary line. This would involve the small area of land between Berryfield Lane and the River Avon being transferred from Broughton Gifford Parish Council to Melksham Without Parish Council.

No residential properties appear to be affected by this proposal.

Area B1- Lyneham and Clyffe Pypard
CONSULTATION BY LETTER

49. Properties within Preston excluding Thickthorn Area

Subject to Proposal 50 being approved, this is a proposal that properties at Preston (currently in Lyneham) should also become part of the parish of Clyffe Pypard.

50. Properties within Thickthorn Area

This is a proposal that the boundary between the parishes of Lyneham and Clyffe Pypard should be moved so that properties at Thickthorn become part of Clyffe Pypard, rather than Lyneham.

Area B2- Bishopstrow
CONSULTATION BY LETTER

51. Properties within Sutton Veny (A36 area)

It was proposed that a more logical line for part of the southern boundary of Bishopstrow parish would be the line of the A36 Warminster to Salisbury road

52. Properties within Barrow House Area

The parish boundary between Bishopstrow and Warminster leaves a few properties around Barrow House (south of the River Wylye) in the parish of Warminster. A proposal put forward to the CGR Working Party suggests that there is more affinity of these properties with Bishopstrow than Warminster, and the suggestion is that the boundary line should be moved slightly northwards to follow the line of the river.

Area B3- Nomansland (Redlynch and Landford)

CONSULTATION BY LETTER

53. Properties within Nomansland Proposal Only 1

Nomansland is currently in the parish of Redlynch, but there is a proposal that it has more affinity with the neighbouring parish of Landford than it has with the rest of the parish of Redlynch and the boundary should be moved.

54. Properties within Hamptworth only Proposal

If the option to move Nomansland in to Landford is approved, there is a second proposal to consider also moving Hamptworth and its environs in to Landford as well.

Appendix B.

Proposed list of dates for public meetings

Description	Proposed Dates	Time
CGR Update meeting	15 Sept 2015	12.30pm – 1.30pm Dyson Room
Full Council Meeting	29 Sept 2015	Council Chamber
Follow up/ Briefing for public meetings	8 October 2015	9.30am – 11.30am Caen Room
Public meeting dates (to be finalised)	12 October 2015	6pm – 9pm Ceres Hall Devizes Corn Exchange (Devizes)
	13 October 2015	6pm – 9pm County Hall – Atrium (Trowbridge)
	14 October 2015	6pm – 9pm Brunel Room Springfield Campus (Corsham)
	15 October 2015	6pm – 9pm Auditorium Salisbury City Hall (Salisbury)
	16 October 2015	6pm – 9pm TBC
	19 October 2015	6pm – 9pm TBC
	20 October 2015	6pm – 9pm TBC
	21 October 2015	6pm – 9pm TBC
	22 October 2015	6pm – 9pm TBC
		Melksham area – date and venue to be confirmed
Full Council Meeting	24 November 2015	Council Chamber

Appendix C.

Schemes considered by the CGR Working Party, but not being to be put out for consultation

** indicates other than those areas included in Appendix A

Area A1, A2 and B7- Salisbury and Surrounding Parishes

	<u>Scheme</u>	<u>Current parish</u>	<u>To parish</u>
8	Woodford	Woodford	Salisbury
9	Durnford	Durnford	Salisbury
10	Clarendon Park	Clarendon Park	Salisbury
11	South Newton	South Newton	Salisbury
12	Britford **	Britford	Salisbury
13	Laverstock and Ford **	Laverstock and Ford	Salisbury
14	Netherhampton **	Netherhampton	Salisbury
15	Quidhampton **	Quidhampton	Salisbury
16	South Newton **	South Newton	Salisbury
17	Wilton **	Wilton	Salisbury

Area A3 and A4 - Trowbridge and Surrounding Parishes

	<u>Scheme</u>	<u>Current parish</u>	<u>To parish</u>
24	Lady Down Farm (TTC Area 2) (Holt to Trowbridge)	Holt	Trowbridge
25	Hilperton Gap South (TTC Area 3b) (Hilperton to Trowbridge)	Hilperton	Trowbridge
27	West Ashton Road Employment Land (TTC Area 4b) (West Ashton to Trowbridge)	West Ashton	Trowbridge
28	Ashton Park Urban Extension(TTC Area 4c) (Southwick to Trowbridge)	Southwick	Trowbridge
29	Area 4d - White Horse Business Park(TTC Area 1) (North Bradley to Trowbridge)	North Bradley	Trowbridge

Area B2 - Bishopstrow			
	<u>Scheme</u>	<u>Current parish</u>	<u>To parish</u>
None	Grange Lane and Home Farm area	Warminster	Bishopstrow

Appendix D.

Schemes discontinued by Council on 25 February 2015.

Many of the original schemes contained in the Terms of Reference were either long standing casual requests for information, or were schemes for which there is no longer any local support. The Council supported the Working Party's recommendation that there should be no further action on the following schemes:

Ref	Area
B5	Durrington (although the army re-basing may result in a review of the area in due course)
C1	Compton Chamberlayne
C2	Horningsham and the Deverills
C3	All areas - potential for amalgamation of parishes
C4	Sutton Mandeville
C5	Grafton
C6	Idmiston
C7	Gt Somerford
C8	Urchfont

FREQUENTLY ASKED QUESTIONS

What is a Community Governance Review (CGR)?

These reviews were previously called Parish Reviews and they are usually undertaken every 10-15 years to make sure that the boundaries and electoral arrangements of parishes within an area are working well.

A CGR must:-

- Reflect the identities and interests of the communities in that area; and
- be effective and convenient.

Consequently, a CGR must take into account:-

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

Therefore any changes made by a CGR must improve communities and local democracy in the parish or parishes concerned.

Why is the Council doing this now?

The Local Government and Public Involvement in Health Act 2007 transferred responsibility for these reviews to principal councils. A number of parishes and towns within the county have asked the council to review their boundaries.

Some information on this Review refers to parish or town wards – what are these?

Some large parishes are divided into smaller sections, called wards, and these can reflect the character of a parish. For instance, if a parish contains two villages, with quite separate identities, then the parish might be split into two separate wards, with separate parish councillors for each ward.

How many councillors can a Parish Council have?

There must not be fewer than five councillors on a parish council but there is no maximum number given. Ideally, the number of members on a parish council should reflect the size of the parish overall.

Will my post code change?

No, Royal Mail has a separate process for setting postcodes, which do not correlate with parish boundaries.

Does changing a parish boundary make any difference to the likelihood of development occurring on the edge of settlements?

No. The criteria, and the legislation that sits behind it, for determining whether or not parish boundaries should change bears no relation to the legislation that guides the determination of planning applications. In simple terms, if a proposal for development comes forward the parish within which that development sits has no direct relevance to the decision whether to grant planning permission or not.

Will this affect my council tax bill?

Possibly. Most parish councils levy what is known as a precept to cover their costs. Typically the contribution toward your parish council is around 5% of the council tax you pay. There are variations between parish precepts so it is likely that this element of your council could change if your property moves into a different parish.

The 2014/15 and 2015/16 Council Tax band D charge and precept for all parishes can be seen at:

<http://www.wiltshire.gov.uk/counciltaxhousingandbenefits/counciltax/ctaxhowmuch/counciltaxbanddandpreceptallparishes.htm>

It is not possible to say what the 2016/17 charges will be, and nor is it possible to predict the effect of the Community Governance proposals on these parish precepts.

Will I have to get official documents like my driving licence changed if my property moves from one parish to another?

No. The key elements of your address for official purposes are your house name/number, street and postcode. There are many examples already of where a postal address records a property in a different town/parish than the one in which it is actually situated.

If my property moves from one parish to another, do I need to change my passport details?

No. Your passport does not contain your address, therefore there is no requirement to update the details.

What sort of factors might be taken into account when looking at community identity?

There is no set list of factors; the following offers a few suggestions:

- Where do you tell your friends you live?
- Where are your key services, e.g. shops, doctors, pub, sports club, social club?
- Where do you think the boundary with the next parish is?
- Do you know which parish you live in?
- Are there any natural physical boundaries such as a river, road, hill nearby?
- Are there any Community groups or associations in the area which help to indicate where communities begin and end?

Where can I read more about Community Governance Reviews and how they operate?

The Department for Communities and Local Government and the Local Government Boundary Commission have produced guidance on how to conduct reviews and what they should cover.

This can be seen at: <https://www.gov.uk/government/publications/community-governance-reviews-guidance>

Wiltshire Council

Council

29 September 2015

Executive Decisions Taken Under Special Urgency Provision

1 Background

1.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 came into force on 10 September 2012. The Regulations deal with access to meetings and documents of the Executive. Regulation 9 details rules to be followed in publicising key decisions and requires all key decisions to be publicised 28 days in advance of the decision being taken. This Council's definition of what constitutes a key decision is as follows:

- any decision which would result in the closure of an amenity or total withdrawal of a service;
- any restriction of service greater than 5% measured by reference to current expenditure or hours of availability to the public;
- any action incurring expenditure or producing savings greater than 20% of budget service areas against which the budget is determined by Full Council;
- any decision in accordance with the Council's Financial Regulations (Part 9), involving financial expenditure of £500,000 or above, with the exception of operational expenditure by Corporate Directors identified within the approved budget and policy framework.
- Any proposal to change the Council's policy framework
- Any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions

1.2 Where it is impracticable for key decisions to be publicised 28 clear days before they are made, special rules apply. Under Regulation 10, key decisions may be taken so long as the following steps are undertaken:

- The Proper Officer has informed the Chairman of the Overview and Scrutiny Management Committee; and
- The Proper Officer has made a notice in the prescribed form available for inspection by the public. The notice must set out details of the decision to be made and why the rule on giving 28 days notice has not been complied with

- The notice is published on the Council's website.
- The above steps must be taken at least 5 clear days before the key decision is taken.

1.3 In cases where a key decision is required to be taken even sooner and it is impracticable to wait for the requisite five clear days Regulation 11 - Special Urgency rules applies. This states that a decision may only be made where the decision maker has obtained agreement from the Chairman of the Overview and Scrutiny Management Committee or in their absence, the Chairman of the Council and in their absence, the Vice-Chairman of Council, that the matter is urgent and cannot be reasonably deferred. Upon securing agreement, a notice to this effect must be published on the Council's website.

1.4 At relevant intervals determined by the Council, which must be at least annually, the Leader of the Council is required to submit a report to Council setting out the key decisions taken under the special urgency rule. The report must include particulars of the decision made.

2 Issues for Consideration

2.1 At the time of writing this report, the Leader has confirmed that one decision has been made using the special urgency provision since the last report to Council, on the 28 February 2015, details attached as an Appendix.

2.2 The intent of the Regulations is to make provision for urgent decisions to be made whilst ensuring as far as possible that transparency, accountability and scrutiny is maintained.

2.3 The Council has taken steps to ensure transparency is maintained by ensuring that where decisions are taken under these special provisions, an email is sent to all members of the Council providing them with a link to the notice published on the Council's website which gives details of the decision to be taken and the reason for urgency.

2.4 In order to ensure Council is aware of decisions taken using the special urgency provisions at the earliest opportunity, Council has previously agreed that these are reported to the next ordinary meeting of the Council. In addition, an annual report will also be presented to Council giving details of such decisions taken in the preceding year.

3 Other Options Considered and Rejected

3.1 None.

4 Financial Implications

4.1 None.

5 Legal Implications

5.1 The proposals in this report ensure that the Council complies with the requirements of the relevant legislation.

6 Equalities Impact of the Proposal

6.1 None.

7 Environmental Impact of the Proposals

7.1 None.

8. Public Health Implications

8.1 None.

9. Safeguarding Implications

9.1 None.

10. Procurement Implications

10.1 None

11. Recommendation

11.1 That Council notes this report and that one decision has been taken under the special urgency provision in the period since the last report on the 28 February 2015.

Robin Townsend
Associate Director – Corporate Function and Procurement and Programme Office

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Background Papers: None

Appendix – Detail of special urgent decision

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Executive Decisions Taken Under Special Urgency

Date of decision	Decision Maker	Item	Decision made	Reason for urgency
15 September 2015	Cabinet Capital Assets Committee	Expansion of St Leonards CE VA Primary School – Award of Contract	To approve “Award of Building Contract” through the SCAPE minor works framework to Kier Construction Limited for the expansion of Bulford St Leonards CE VA Primary School to 1.5 Forms of Entry (FE) (80 additional places)	The reason for urgency is to obtain approval (contract regulations require any contracts valued at more than £1m going through Cabinet, in this case, CCAC) before the end of the month. This would enable the contract to be let in order for the school places to become available by September next year. Any delay would jeopardise this progressing within this timescale.

The requirements of Regulation 11 – Special Urgency provision were complied with.

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