

Wiltshire Council

Cabinet

21 June 2022

Agenda Item 5 – Public Participation and Questions from Councillors

Question from: Colin Gale

**To: Cllr Dr Mark McClelland - Cabinet Member for Transport,
Waste, Street Scene and Flooding**

Statement

Parking Concessions to Disabled Blue Badge Holders

Reference: TRO consultations – HKB/TRO/WILT

At the Cabinet Meeting on 1st February 2022 I raised a supplementary question to my initial questions submitted, see Appendix. As stated in the minutes of the cabinet meeting 'The Leader confirmed that the detail for the three area's listed above would be available in due course and be part of future consultation processes.' I have subsequently commented on the above reference which by its title is alleged to be a consultation. However, this TRO consultation provides the opportunity for commenting on a decision that has been made and does not meet the requirements for consultations as required by the local government regulations and legislation.

When a local authority engages in consultation, it is under a duty to do so adequately and fairly. The Supreme Court has laid down six requirements for a fair consultation by a local authority. These were set out in the 2014 case of *Moseley v London Borough of Haringey*. They are:

- a) "a consultation must be at a time when proposals are still at a formative stage"
- b) "the proposer must give sufficient reasons for any proposal to permit for intelligent consideration and response"
- c) "adequate time must be given for consideration and response"
- d) "the product of consultation must be conscientiously taken into account in finalising any statutory proposals"
- e) "the degree of specificity with which, in fairness the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting"

- f) “the demands of fairness are likely to be somewhat higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit”

It is more than evident that the TRO consultation has not been initiated at a formative stage and the council have failed to meet the demands of fairness and are depriving the vulnerable of a benefit which enables them to go about their normal life. This TRO consultation does not meet the requirements for fair consultation as laid down by the Supreme Court.

Question 1 (22-081)

Wiltshire Council are requested to withdraw the TRO and maintain the concessions for disabled blue badge holders.

Response

Wiltshire Council actively seeks the views of its residents and others in the decision-making process for Traffic Regulation Orders within the county. As part of that process, the Council undertakes a statutory public consultation on its proposals for Traffic Regulation Orders with the publication of the proposals for comment. The making of Traffic Regulation Orders is subject to the public consultation and the consideration of all responses received during that consultation.

The proposals are advertised in the local press and copies of them are made available at designated locations in the affected area. Copies of relevant documents are also sent to interested parties, including elected members, town and parish councils, emergency services, public service bodies and motoring organisations. Written comments on proposals are invited from those wishing to express their views.

Wiltshire Council has proposed Traffic Regulation Orders to replace current Orders for off-street parking. The proposals included the introduction of a charge for blue badge holders in all car parks. The council set out the reasons for these changes.

The proposal was published, and the consultation period ended on 23rd May 2022. Comments from the consultation are being considered and no decision on the proposed changes has currently been made.

Appendix

26th January 2022

Colin Gale Question to Cabinet:

Agenda Item 6 - 1st February 2022

Budget 2022/23 and Medium Term Financial Strategy 2022/23 to 2025/26

I viewed the Wiltshire Council budget webinar on the 18th January and the Council Leader identified that the following increases/new charges would be included in the budget:

- New parking charge for disabled badge holders at all council car parks throughout the county.
- New charge for the disposal of some waste items at Council Household Recycle Centres.

The budget report states “Within this the report sets out the required increase in Council Tax for the year, the increase in fees and charges”. Then in the ‘Fees and Charges’ paragraph states “As part of budget setting, where the council has discretion on the setting of fees and charges and increases to these, it is recommended that the fees and charges to the public are increased by appropriate inflation rates to help support the delivery of a balanced budget. Other fees and charges will be based on statutory national levels (where set by statute) or individual agreements. Detail of the fees and charges where the council has discretion on the setting of the fees and charges and where they have been increased can be seen in appendix 1.”

I was unable to find any specifics within the report advising the new charges which I would have thought should be provided especially when they are new charges being introduced. In Appendix 1, Annex 6 within the spreadsheet a one liner stating charges for Blue Badge Holders. It is acknowledged that some other counties have revised the concession to Blue Badge Holders but not removed the concession. There is a one line entry for charges at HRC’s for non-household waste items but no specifics on costs.

At the Pewsey Community Area Partnership meeting held on 20th January 2022 our Wiltshire Councillor provided a round-up of the WC budget and identified that the Town/Parish Council election costs was going to be introduced as part of the budget. Again I cannot find any specific details or mention of the election costs within the budget report.

Please can you advise the following:

1. Where in the budget report the specific details on the above new charges can be found and if the specific details are not in the report provide the information.
2. Where in the budget report the specific details on the Town/Parish Council election costs can be found and if not in the budget report provide the details.

Question 1 (22-046)

Where in the budget report the specific details on the above new charges can be found and if the specific details are not in the report provide the information?

Response

The detail of Fees and Charges can be seen in appendix 1, annex 9 of the budget report.

Question 2 (22-047)

Where in the budget report the specific details on the Town/Parish Council election costs can be found and if not in the budget report provide the details?

Response

There is no reference in the Budget papers related to recovering the costs incurred by Wiltshire Council of administering parish elections from the City, town and parish councils. The Cabinet does intend to consider a proposal to charge parishes for the cost to Wiltshire Council of managing such elections, when held at the same time as Wiltshire elections, currently scheduled for May 2025. The introduction of a new policy of that nature would include sufficient notice for the City, town and parish councils to make the necessary budgetary arrangements well in advance.

Colin Gale – Further Response:

The WC response to question 1 advises that the detail on Fee's and Charges can be found in Appendix 1, Annex 9. I am unable to find any information with respect to the question in Annex 9. As identified in the preliminary information to my question I found one line entries in Annex 6. The one line entries simply state:

Car Parking – Introduction Parking Charges for Blue Badge Holders – with an expected revenue of £40,000.

Waste Management – Introduce a charge at HRC's for disposal of non household waste. Then lists asbestos, gas bottles, tyres, plasterboard, soil and rubble – with an expected revenue of £100,000.

The information provided in the budget pages is simply headlines and lacks any detail. For example for disabled drivers will there still be a level of concession as provided by those counties who have introduced charges to disabled badge holders and if so what will the concession be. With respect to HRC's what will be the charges for the disposal of the waste items listed? The expected revenue generation must be based on some detailed lower level costs.

The WC response to question 2 deals with Town/Parish Council elections at the same time as WC elections currently scheduled for May 2025. Can WC confirm the status for Town/Parish elections costs for individual elections in between the normal election cycle due to Council vacancies?

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Question from: Colin Gale – Chairman Rushall Parish Council

To: Cllr Dr Mark McClelland - Cabinet Member for Transport, Waste, Street Scene and Flooding

Statement

Rushall Parish Council Question to Cabinet – 21st June 2022: Freight Management Assessments

At the Full Council Meeting held on 15th February 2022, Rushall Parish Council (RPC) raised their concern over Freight Management Assessments in relation to the councils draft business plan, see Appendix. Rushall Parish Council have a long running issue registered with the then Pewsey CATG over the size and level of freight using both the A342 and A345 which passes as a through route through Rushall, which is not a designated 'Freight Route'.

Subsequently to the Full Council Meeting we have had the transition from CATG's to LHFIG's which has introduced updated Terms Of Reference for the groups and has revised the list of projects that the groups can consider. One of the projects that the revision has introduced is that LHFIG's cannot fund projects for '*Weight Limit (Freight) assessments*'. As a consequence at the first meeting of the Pewsey LHFIG the ongoing issue on Rushall's request for a 'Freight Management Assessment' was closed. However, RPC believe that this could be a misunderstanding as CATG's did not have funding for Freight Assessment's either, the groups were simply allowed to submit upto two locations per annum for consideration for assessment and did not have any actual Freight Assessment funding.

Question (22-082):

RPC request clarification on how Freight Management Assessments are going to be considered under the new LHFIG system assuming that at some point in the near future Wiltshire Council will have a Freight Management Strategy?

Response:

A review of the existing Freight Strategy will be undertaken as part of the development of the next Wiltshire Local Transport Plan (LTP4). This will include consideration of an approach to local freight management. The LTP4 will be developed in line with the Department for Transport's LTP guidance which is expected to be published in Autumn 2022. Ultimately, following stakeholder and public consultation, the Wiltshire LTP4 will be adopted by Spring 2024.

Subject to the final LTP4 and Freight Strategy it may be possible for the LHFIGs to be invited to identify priorities for freight assessments.

Appendix

10th February 2022

Full Council Meeting – 15th February 2022:

Statement & Question: Colin Gale – Agenda Item 11 – Wiltshire Council Draft Business Plan

The draft Business Plan covers the period 2022 to 2032 and has sections on ‘well connected communities’, ‘We take responsibility for the environment’ and ‘We are on the path to carbon neutral (net zero)’. In these sections it is identified that there will be new Local Plans and Local Transport Plans.

Rushall Parish Council raised an issue dated 11th January 2018 which is logged at the Pewsey CATG as an ongoing item which requested a Freight Assessment. On 2nd April 2019 Wiltshire Council advised the CATG’s that the Freight Strategy and the Freight Assessment and Prioritisation Mechanism would be put on hold until 2020. Subsequently the Wiltshire Council Freight Strategy was cancelled and the Freight Management Policy review was placed on hold whilst National Highways considers their own Policy on the trunk road network for the Southwest.

The previous Freight Management Strategy did not include the A342 & A345 as Freight Routes for obvious reasons as the A342 and A345 are not much more than Tarmac Drover’s Trails. Without any form of freight management it is a ‘free-for-all’ with an increasing number of 44 ton HGV’s carving up the verges destroying the roads which are not built for the volume and weight of the transport. Despite the Wiltshire Council claims there is no evidence that anyone is taking responsibility for the environment.

Question 1: Since this plan is intended to last till 2032 why is there not at least a marker for a Freight Management Strategy at some point in the future? Why does freight movement not feature anywhere in the Business Plan?

Question 2: The freight issue was registered over 4 years ago and since then has got worse. Since Wiltshire Council are going to work with their partners to protect and enhance the Area’s of Outstanding Natural Beauty, noting that the Pewsey Community Area is within the North Wessex Downs AONB doesn’t Wiltshire Council at least think that after this elapsed time some interim measures are now warranted.

Colin Gale
Chairman Rushall PC

Supplemental Question:

Thank you for the response that advises the Council has begun work on preparing its next Local Transport Plan (LTP4). However, this is of great concern because as I identified in my background statement when the council advised CATG’s on 2nd April 2019 that the Council were putting on hold Freight Assessments etc it was due to limited resources. The Council advised that the resource would need to be directed

to preparing its fourth Local Technical Plan (LTP4) It appears that the LTP4 has not moved on much in nearly 3 years and the possible resumption of the freight studies has slipped even further. The response advise that the council will only be ready to carry out consultation in the middle of 2023. Can the council confirm that it does now have the necessary resources and that Freight Management is being considered seriously and will not be kicked further down the road.

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Question from: Cllr Ian Thorn

To: Cllr Laura Mayes – Deputy Leader and Cabinet Member for Children’s Services, Education and Skills

Question 1 (22-083):

What are the impacts on Wiltshire Schools of the increase in energy prices?

Response:

The increase in energy prices will have an impact upon our Wiltshire schools, however the Department for Education (DfE) is aware of the impact and making additional funding available to schools.

During the course of the pandemic, schools were encountering additional energy usage due to creating greater ventilation around their buildings to mitigate the spread of Covid. It is not anticipated that the same levels of ventilation will be required going forwards and therefore schools will return to their ‘normal’ usage levels.

The majority of Wiltshire schools subscribe to an energy agreement run through the Council and West Mercia Energy, which ‘forward purchases’ most of its energy and as a result, has protected schools from some of the increases being experienced. That said, schools are set to see Gas prices increase by 108%, Electricity prices increase by 53% and Oil prices increase by 50%. Beyond the 2022-23 year, energy prices are anticipated to stabilise with only inflationary increases expected.

The Department for Education (DfE) have recognised that schools are experiencing increasing cost pressures and have been awarded a Supplementary Grant from April 2022. The Supplementary Grant will award our smallest Wiltshire schools around £10,000 and our largest schools around £200,000. This grant is designed to cover the increase in employers National Insurance contributions and other cost pressures in schools and will contribute towards the additional energy costs being faced in schools. As a result of the Supplementary Grant, the increased energy costs will be mitigated in schools.

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Question from: Cllr Ian Thorn

To: Cllr Laura Mayes – Deputy Leader and Cabinet Member for Children’s Services, Education and Skills

Question 1 (22-084):

What is Wiltshire Council’s response to the Josh MacAlister independent review of Children’s social care?

Response:

As well as the Independent Review into Children's Social Care, in recent weeks we have also seen the publication of the National Child Safeguarding Practice Review Panel Report: Child Protection in England (review following the deaths of Star Hobson and Arthur Labinjo Hughes). These reviews have identified a range of learning relevant to local authorities and statutory safeguarding partners. The Government response confirms that an implementation strategy will be published before the end of 2022.

The Council and partner agencies are undertaking a range of activities locally to assure ourselves regarding our own practice and to identify any relevant learning. This exercise is being overseen by the Safeguarding Vulnerable People’s Partnership. A brief verbal update on this was presented to Children’s Select Committee on 8.6.22. and a commitment given to share the learning from these exercises at a future meeting.

The Corporate Director People is taking lead responsibility for the review on behalf of the Council. This review will be wide ranging and carefully considered. We will ensure that we engage fully with regional partners and wider sector groups. We are confident in the effectiveness of safeguarding arrangements locally but do anticipate that in due course national changes to statutory guidance will be issued which will affect the way in which we discharge duties locally. We know that in some areas these national changes will align with work that we have already completed, including our successful Support Service, or are currently undertaking including our early help pilot that launches in September.

