

QUESTIONS FROM COUNCILLORS

QUESTION FROM CLLR ERNIE CLARK, HILPERTON DIVISION

TO CLLR JANE SCOTT, LEADER OF THE COUNCIL

Question 1

Private Eye magazine's 'Rotten Boroughs' column has revealed that the beneficiaries of the Kennet District Council 'non-pensionable honoraria' scheme were Chief Executive Mark Boden, HR director Anne Ewing and Chief Finance Officer Andrew Hart. The sums involved were reported as £10,360 for Boden, £5,733 for Ewing and £6,298 for Hart.

In reply to my question to her in February last year, Cllr. Scott replied 'The Council is pursuing two claims amounting to a total sum of approximately £ 20,000. Both cases are being contested and one of the individuals has instructed a solicitor. The Council is considering its position in the light of the points raised in defence.'

Assuming that the council has now considered its position, could Cllr Scott please advise what action is now being pursued and which of the three officers were, or are, being pursued to repay the monies? Why were only two being pursued and not all three? How did she come to the figure of 'a total sum of approx. £20,000'?

Response

The action being pursued is recovery of the enhanced element of severance payments in those cases where the honorarium was erroneously included in the calculation of severance payments.

In the majority of cases where the honorarium was paid either the staff did not leave the Council or the mistake was picked up before the staff member left the employ of the Council and therefore they did not receive an enhanced element to their severance payments.

There were only two former Kennet staff members who received an enhanced element of their severance payments (£9,722.74 and £10,038.33 respectively).

The recovery action that has been taken is that demand has been made of the two former staff members for recovery of these sums. One has responded denying any liability and raising a number of factors in defence of the payment. The other has instructed a solicitor who has required further information before responding.

Due to the historical nature of this information it has taken some time to compile this information and therefore there has been a delay. This information has now been supplied to the party's solicitor and the Council's Legal Team is waiting for a response. Once this is received any defences raised can be considered and a final decision made as to whether Court proceedings are justifiable.

QUESTIONS FROM COUNCILLOR

QUESTION FROM CLLR JON HUBBARD, MELKSHAM SOUTH DIVISION

TO COUNCILLOR JANE SCOTT **LEADER OF THE COUNCIL**

Question 1

In the light of public and ministerial concerns that the practice of paying public sector workers through private companies “may be rife across local government” (Financial times), can she give a public reassurance that this practice has not been used by Wiltshire Council since its establishment in 2009? If it has been used, how many people listed as Council staff have been paid in this way?

Response

The council employs staff via external agencies to carry out temporary and interim roles, and this is not unusual in an organisation of this size. The council also employs consultants to carry out work that requires specific specialist knowledge and skills that are not available within the existing workforce.

A majority of consultants are employed via external agencies but in a small number of cases there are some self employed staff who work for the council in a consultancy capacity. In all cases these staff are procured via a robust business case process which considers the rationale for needing a consultant and value for money.

In all cases these staff have no access to sick pay, paid annual leave or the local government pension scheme.

QUESTIONS FROM COUNCILLORS - ITEM 13

**QUESTION FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON
DIVISION**

TO CLLR JANE SCOTT, LEADER OF THE COUNCIL

Question 1

- a) What has been the cost to the Council to date for its support for the shadow Health and Wellbeing Board?
- b) Does the Council's apparently enthusiastic support for this initiative imply this Administration's full support for the NHS Bill on which the Board depends?

Response

- a) The cost to date has been minimal (under £1,000), reflecting the costs of 3 development workshops for Board members and other stakeholders.

All other development and support costs have been met from within existing resources, including:

1. Adult Social Care Service Director and Head of Service
2. Democratic Services Head of Service
3. National Graduate Management Trainee (6 month placement)

QUESTIONS FROM COUNCILLORS - ITEM 13

QUESTION FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO KEITH HUMPHRIES, CABINET MEMBER FOR PUBLIC HEALTH AND PROTECTION SERVICES

Question 1

As the Police Reform and Social Responsibility Act 2011 makes major changes to the Licensing Act 2003 and the licensing system, is not time to begin an early review of the Council's Licensing Policy and to engage the public in that review?

Response

The Police Reform and Social Responsibility Act 2011 contains a number of key changes to Licensing Act including the following:

- the introduction of a late night levy to help cover the cost of policing the late night economy
- increasing the flexibility of early morning alcohol restriction orders
- lowering the evidential threshold on licensing authorities
- removal of the existing vicinity test for licensing representations to allow wider local community involvement.

None of these changes come into effect immediately on Royal Assent. The existing legislative procedure and protocol means that the measures are brought into force on one of two common commencement dates in April or October each year. The earliest therefore any of the alcohol provisions will be introduced is likely to be 6 April 2012, with more complex proposals requiring detailed secondary legislation likely to be commenced later. Further information regarding consultation on these changes will be available shortly from the Home Office.

The Licensing Policy Committee were made aware of the impending changes at their meeting earlier this month and are monitoring progress through the various government channels. Once we have full details of the proposals (and guidance) we will respond accordingly which will include a review of the existing Licensing Policy, including consultation with both the public and partners and appropriate training for members of the Committee.

This commitment is already contained within the work programme of the Committee and was raised and discussed at the last meeting of the Licensing Policy Committee - please refer to page 146 and 147 of the minutes book received with the Council summons.

QUESTIONS FROM COUNCILLORS - ITEM 13

QUESTION FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO CLLR TOBY STURGIS, CABINET MEMBER FOR WASTE, PROPERTY, ENVIRONMENT AND DEVELOPMENT CONTROL SERVICES

Question 1

You will be familiar with the Market Quarter area in Chippenham, given your involvement in the planning decisions there. Linden Homes have recently announced major changes to the parking arrangements there, including the putting up of warning notices which do not have the required planning permission.

- a. Given that the lives of several hundred Wiltshire residents are being adversely affected by these notices, will he ask enforcement officers to prioritise action on these notices?
- b. What were the parking provisions in the approved application, in terms of the total number of spaces and the number of visitor parking spaces?
- c. Would it be legally acceptable to leave a private site of this size without any visitor or disabled parking spaces?
- d. If the changes proposed by Linden Homes prove to be contrary to the parking provisions specified in the original, approved plans, will he also ask enforcement officers to act swiftly to get Linden Homes to restore the original space provisions?

Response

- a) & d) Any complaint regarding unauthorised signage or other development will be investigated in accordance with the general approach to enforcement set out in the Council's adopted enforcement strategy, which prioritises breaches of planning control according to their perceived seriousness, see:

http://www.wiltshire.gov.uk/wilts_council_enf_policy_-_pdf

- b) The approved plans demonstrate a total of 322 car parking spaces, with 17 labelled as being for visitors.
- c) The 17 visitor parking spaces are protected by condition 12 of permission 06/01005/FUL, which specifies the spaces should be kept free from obstruction and only used for the parking of vehicles in connection with the development.

QUESTIONS FROM COUNCILLORS - ITEM 13

**QUESTION FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON
DIVISION**

**TO CLLR DICK TONGE, CABINET MEMBER FOR HIGHWAYS AND
TRANSPORT**

Question 1

In the event that parking provision in the Market Quarter area in Chippenham is drastically changed (see my question to Cllr Sturgis), it seems certain to force a significant amount of additional vehicle parking onto nearby streets. If this happens, what urgent steps will be taken to review the street parking arrangements in the area?

Response

The specific circumstances will be considered as part of the next area review as shown in the policy shown at:

<http://cms.wiltshire.gov.uk/ieDecisionDetails.aspx?ID=431>

QUESTIONS FROM COUNCILLORS - ITEM 13

QUESTION FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO CLLR DICK TONGE, CABINET MEMBER FOR HIGHWAYS AND TRANSPORT

Question 1

- a. Is it correct that the procedure you have introduced for changes to onstreet parking regimes require issues first of all to be logged on the Area Board issues system, then referred to town or parish councils, then back to the Area Boards, and then once a year back to Council officers in Trowbridge? And after that, if action is taken, it has to go through the lengthy processes of public advertisement and consultation? Do you agree that this process could take upwards of two years between an issue being raised and a solution put in place?
- b. With this process in place, how will the Council exercise its role as the strategic parking authority, for example in undertaking a much-needed review of parking in the vicinity of Chippenham Station?

Response

- a) If a Town or Parish Council refuses to consider requests they will be referred to the Area Board for consideration. If the Town Council considers requests there is no need for them to be reviewed by the Area Board.

The legislative timescale is determined by the Department of Transport and the need for proper and thorough consultation. All waiting and parking restrictions are controlled by a legal Order known as a Traffic Regulation Order (TRO). Enforcement is then carried out as a contravention of the legal Order. The TRO process can take many months to complete and the costs of developing proposals and consultation, together with the advertising and legal fees, can be substantial. For this reason, schemes requiring a TRO are not normally carried out on an ad hoc basis. Experience has also shown that the introduction of ad hoc restrictions can result in shifting the problem elsewhere. Accordingly, a comprehensive review of the parking in a Town or Parish as a whole is the most effective and efficient way of dealing with parking issues.

- b) All requests will be processed as shown in a) above. The Council will exercise its role in the way shown in policy HT- 030 -11, as shown at <http://cms.wiltshire.gov.uk/ieDecisionDetails.aspx?ID=431>

QUESTIONS FROM COUNCILLORS - ITEM 13

**QUESTION FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON
DIVISION**

**TO CLLR DICK TONGE, CABINET MEMBER FOR HIGHWAYS AND
TRANSPORT**

Question 1

Is it the policy of this administration that meetings of Community Area Transport Groups should be held behind closed doors, with no access for the public and press? If not, will you encourage all CAT Groups to hold their meetings in public, and also to make agendas and papers available in advance to all Wiltshire Councillors in their areas?

Response

The recommendations of the CATG's go to the Area Boards for public discussion and then approval or otherwise by the Area Board members. The attendance at CATG's is a matter for the particular Area Board.

QUESTIONS FROM COUNCILLORS - ITEM 13

**QUESTION FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON
DIVISION**

TO CLLR JANE SCOTT, LEADER OF THE COUNCIL

Question 1

- a) What arrangements are being made to set up the Wiltshire Police and Crime Panel?
- b) How is it envisaged that the 'balanced appointments' required by the Police Reform and Social Responsibility Act 2011 will be met for the panel as a whole?
- c) Will the formal proposals for the Panel be brought to full Council for its agreement?

Response

- (a) Councillors and Officers of both Swindon and Wiltshire Councils and the Police Authority have met to have initial discussions on the transition from Police Authority to directly elected Police and Crime Commissioner including the arrangements for the Police and Crime Panel.

Tasks that need to be undertaken have been identified and allocated to officers of the respective authorities. Initially a report will be prepared for the Transition Board that the Police Authority has established to oversee the transition.

Group Leaders were informed of this on 20 February and an article was included in the Elected Wire on 24 February 2012.

- (b) In establishing the Panel the Act requires that as far as reasonably practicable, local authorities must achieve a balanced composition for the Panel. This is to achieve both a geographical and political balance.

Part of the discussions referred to in (a) above have touched on this.

However final determination of this matter will have to await the elections that Swindon has in May. These are "all out" elections so the outcome may have an impact on the overall political proportionality between the two councils.

- (c) The Panel will be a joint committee of Swindon and Wiltshire Councils and so yes the matter will be brought before the Council in order that the Panel is formally appointed – probably in May at the Annual meeting.

QUESTIONS FROM COUNCILLORS - ITEM 13

QUESTION FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO CLLR FLEUR DE RHÉ-PHILLIPE, CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND STRATEGIC PLANNING

Question 1

- a) Now that there has been time for reflection, can you explain the mysterious appearance of the paragraph 61 “Junction 17, M4, provides an opportunity for new employment provision in Wiltshire. These opportunities should be explored further in conjunction with the Wiltshire and Swindon Enterprise Partnership” in the version of the Core Strategy draft provided to Councillors for the meeting on February 7th?
- b) Does its subsequent omission mean that these opportunities will not now be explored, even though land there has been offered for development?

Response

- a) The inclusion of this bullet point was a drafting error. It related to an issue that was considered during the production process of the Core Strategy and one that was subsequently discounted. It was considered that this would be inconsistent with the overall strategy for employment delivery at Chippenham, which is to be focused at the town to support its self containment and help reduce out commuting (paragraph 5.49, Wiltshire Core Strategy Pre-Submission Document February 2012).

An earlier draft of the Chippenham section containing the bullet point approach, referring to Junction 17, was inadvertently used in the Council version. As this hadn't been part of the document recommended to Council by Cabinet, it obviously couldn't, nor did it need to be in the Draft Core Strategy that was in front of Council for approval for consultation.

- b) The Wiltshire Core Strategy Pre-Submission Document (paragraph 6.5) recognises that:

“There may be proposals that may arise during the plan period that are of exceptional strategic importance to the Wiltshire economy which may merit consideration. In such circumstances, potential will be explored in conjunction with the Swindon and Wiltshire Local Enterprise Partnership, with consideration being given to the sub-regional context and impacts on the overall development strategy, in particular not undermining the delivery of the strategic employment sites already planned at settlements.”

As such potential exists to explore opportunities that come forward.