

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **WEST WILTSHIRE DISTRICT COUNCIL**

Held on: **WEDNESDAY 20 JUNE 2007**

Held at: **COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE**

Present: Councillors Alford, Binding, Blakemore, Bolwell, Brown, Bryant, Burden, Carbin, Carr, Clark, Coop, Couchman, Davis, Denison-Pender, Eaton, Ezra, Fortescue, Fuller, Griffiths, Hawker, Hedley, Humphries, James, Jenkins, King, March, Martindale, Mounde, Mudge, Newbury, H Osborn, J Osborn, Parks, Payne, Phillips OBE, Repton, Ridout, Seager, Swabey, Walker, While and Wiltshire

Officers: Corporate Director (TD), Head of Finance (IJ), Principal Environmental Health Officer (GS), Principal Lawyer (A A-P) and Member Support Team Leader (PS)

Cllr Pip Ridout, Vice Chairman in the Chair

65. Apologies

Apologies for absence were received from Cllrs Carr, Fortescue, Griffiths, Swabey and Wiltshire.

66. Declarations Of Interest

There were no declarations of interest.

67. Announcements From the Chairman

The Chairman asked Cllr Phillips OBE to update Members on the Local Government Review process. Cllr Phillips OBE reported:

- Shrewsbury & Atcham Borough Council and Congleton Borough Council have been challenging the unitary process through the courts.
- West Wiltshire has been supportive of this, together with 27 other authorities threatened with a unitary takeover.
- A Permission Hearing at the High Court in London on Tuesday lasted six hours, during which evidence and arguments were put forward both by a QC on behalf of Shrewsbury & Atcham and Congleton, and by barristers for the Secretary of State and the County Councils of Shropshire and Cheshire.
- As a result, Mr Justice King granted the two borough councils permission to seek judicial review of the Secretary of State's decision to proceed to stage 2 consultation with proposals for one unitary council in Shropshire and one in Cheshire.

- The councils are able to challenge the decision on three grounds:
 1. Want of legal power for the Secretary of State to engage in the current process.
 2. No broad cross-section of support for the unitary bids.
 3. That, in the process of consultation, the Secretary of State is unfair in not also putting forward opposition cases on the DCLG website.
- The substantive hearing for Judicial Review will be 12 and 13 September 2007.
- At this stage, no further support has been sought from the borough councils; however, they are keeping us fully informed of progress and, should additional backing be required - for example, financial contribution - this will be considered.
- Our joint submission with Kennet and Salisbury District Councils in opposition to the Wiltshire unitary bid is being delivered to the Secretary of State on Thursday 21 June.

68. Minutes

The minutes of the annual council meeting held on 16 May 2007 were approved as a correct record and signed by the Chairman.

69. Questions From Members of the Public

No questions had been received.

70. Reports from Cabinet and Cabinet Members

Cllr Payne reported that the Council had been working on the Local Government Review opposition and thanked Cllr Phillips OBE and Officers for all their work on this. There will be a meeting with Phil Woolas, the Minister involved in this and Andrew Pate will attend.

Cllr Mounde reported that there would be a press release about two important Waterside projects – the Cinema and Bowling Alley.

71. Reports of Committees

Council was asked to receive and note the minutes of the following meetings. This was also an opportunity for Members to ask questions for information or clarification.

Meeting	Date	Minute No.'s
Cabinet	6 June	89 - 101
Planning	31 May	55 - 62

RESOLVED:

That the minutes of the above meetings be received and noted.

72. Notices of Motion

No notices of motion, within the deadline for this meeting, had been received.

73. Questions from Members of the Council

Questions were received from Cllr Clark to Cllr Payne, Leader of the Council

Note: A copy of the questions and responses are attached as an Appendix to these minutes.

74. Representatives on Outside Bodies – Reporting Back

The Chairman invited Members to report back on meetings of outside bodies they had attended as representatives of the Council.

The following reports were made:

Cllr Osborn – West Wiltshire Housing Society

Cllr Osborn reported that they had had an eventful meeting and that there had been a move to challenge the composition of the board to reduce the number of District Council members. This had been defeated.

A new Finance Director had been appointed.

Cllr King – West Wiltshire Housing Society

Cllr King reported that he had been inducted as members of the Society at the last meeting along with Cllrs Eaton and Ridout.

Cllr Chivers - West Wiltshire Housing Society

Cllr Chivers drew Members' attention to two items from the recent meeting. These were that there had been a move towards holding meetings in closed session, which had been defeated. The other was that all reports would now be treated as confidential unless agreed otherwise by the Chairman.

Cllr Payne said that it was vital that we retained our 5 places on the Housing Society Board.

Cllr Carr - Wessex Water Joint Liaison Panel

Cllr Ridout read out Cllr Carr's report in his absence:

'I attended a meeting of the Wessex Water Joint Liaison Panel in Bath, on behalf of WWDC, on 6 June 2007.

I am pleased to report that stocks of water are running slightly above average at present, and no problems of supply or drought are anticipated. Wessex Water continues to monitor customer satisfaction, and currently stands as the best sewerage and water company in the country. There has been a slight increase in reported environmental incidents in 2006 compared to 2005, displacing the company from 3rd to 7th in this regard. This is being taken very seriously, and changes in procedure have been implemented.

Small increases in the annual Water Rate continue to be necessary because of additional requirements and increasing standards being imposed by external agencies; however, the company hopes to be able to constrain any rises to the inflation rate, or very slightly above. Conscious of customer concerns about continuing annual increases in the Water Rate, Wessex Water has proposed to tailor development to a fixed, capped, annual rate; however, this has been refused by OFWAT. Future development of the company will examine sustainability.

Wessex Water seeks the help of local authorities in improving the quality of work on new-build sewerage systems on new housing development: owing to poor quality material and workmanship, problems are often experienced when private sewers from new developments are connected to the main sewer. This causes disruption, upset and sometimes cost to householders.'

75. Proposed Dog Control Orders

Cllr Conley presented the report which requested Council to approve and make two draft dog control Orders, the first being the Fouling of Land by Dogs order and the second the Dogs Exclusion Order.

RESOLVED:

That the two Orders be confirmed.

76. Petition – St Stephen's Place Multi-Storey Car Park

A petition about changes proposed to the multi-storey car parking in Trowbridge had been received.

RESOLVED:

That the petition be referred to the relevant Portfolio Holder.

77. Appointment of a District Councillor to the Standards Committee

The report requested Council to nominate a replacement member to the Standards Committee to replace Cllr Fortescue.

RESOLVED:

That Cllr Sue Ezra be appointed to the Standards Committee.

78. Performance Plan 2007 – 08

Cllr While presented the report, which was in two parts, the first part highlighted key areas for improvement and the second part detailed service and resource plans.

RESOLVED:

That Council approves the Performance Plan for 2007 – 08 and delegates any minor amendments to the Chief Executive and Portfolio Holder.

79. Cabinet Forward Workplan

The Leader presented the latest Cabinet Forward Work Plan.

RESOLVED:

That the Cabinet Forward Work Plan be received and noted.

80. Urgent Departure Decisions – Reporting Back

No urgent decisions had been made.

These minutes were prepared by Pam Sidgwick, Member Support Team Leader, who can be contacted on telephone number 01225 776655 ext. 204 or email psidgwick@westwiltshire.gov.uk

(7.00pm – 7.55pm)

West Wiltshire District Council

Questions from Cllr Ernie Clark to Leader of the Council – Cllr Graham Payne

Question 1

Page 81 of the May 2007 edition of the constitution states "There is no requirement to undertake a review if a councillor leaves a political group and become an 'ungrouped' member". This paragraph does not appear on the corresponding page of the 2006 edition.

Answer

The statement below beginning `Page 81` is a reference to the Local Government (Committees and Political Groups) Regulations 1990. Twice in the past a member has left a group but not created or joined another. In that situation there is no need for a political balance calculation. The statement is simply a reflection of the existing Law.

Question 2

The constitution further states that the monitoring officer can amend the constitution in certain circumstances but that s/he must provide a regular bulletin to all councillors of such changes.

I don't recall seeing a bulletin on this subject Could you please advise me when it was issued?

Answer

The reference to the Monitoring Officer making changes and producing a bulletin is at page 24 of the Constitution. This however relates to changes arising from changes of either fact or Law that require the production of a bulletin. This change was simply the provision of additional information to assist the interpretation and understanding of the constitution and the related Law. Consequently no bulletin was required. All changes went through the alternative procedure i.e. via Standards and Council.

Whether the particular statement is in the Constitution is not directly relevant as the Council must apply the Law.