

## MINUTES

Minutes of: **WEST WILTSHIRE DISTRICT COUNCIL**

Held on: **WEDNESDAY 14 MAY 2008**

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

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

Officers: Corporate Directors (TD, IG, IJ and SL), Head of Legal Services (NM), Democratic Services Manager (NS), Sustainable Communities Services Manager (RR), Member Support Officers (KF and SRS)

Also in attendance: Tony Frost (Chairman of Standards Committee)

### Annual Meeting

**Cllr Swabey opened the meeting then vacated the Chair for Cllr Ridout.**

#### **1. Election of Chairman 2008/09**

Nominations were sought for the post of Chairman.

Cllr Swabey was proposed by Cllr Davis and seconded by Cllr Chivers. There being no other nominations, a vote was taken and **Cllr Swabey was elected unanimously.**

Cllr Swabey signed the statutory Declaration of Acceptance of Office.

**Cllr Swabey in the Chair.**

#### **2. Appointment of Vice-Chairman 2008/09**

Nominations were sought for the post of Vice-Chairman.

Cllr Ridout was proposed by Cllr Payne and seconded by Cllr Davis. There being no other nominations, a vote was taken and **Cllr Ridout was elected unanimously.**

Cllr Ridout signed the statutory Declaration of Acceptance of Office.

#### **3. Apologies for absence**

Apologies were received from Cllrs Alford, Conley, Griffiths, and Walker.

#### **4. Declarations of Interest**

Personal interest – Member of the Wiltshire County Council Regulatory Committee when the matter under Item 17 was discussed	Cllrs Clark and Davis
Personal interest regarding the Standards Committee	Cllr Hawker
Personal interest – Member may be affected by loss of significant allowances	Cllrs Conley, Davis, Eaton, Fortescue, March, Mounde, Payne, Phillips OBE, While, and Wiltshire
Personal interest – Member also serves on the County Council.	Cllrs Chivers, Clark, Davis, Fuller, Newbury, J Osborn, and Swabey

#### **5. Minutes**

The minutes of the meeting held on 9 April 2008 should have included the questions from Members and the answers as attachments. Otherwise the minutes were approved as a correct record and signed by the Chairman.

#### **6. Announcements from the Chairman**

The Chairman said she had enjoyed the events she had attended in her official role over the previous twelve months, and thanked Members for their support, in particular Cllrs Denison-Pender and Ridout. The Chairman also thanked the Member Support Officers for their help.

The Chairman asked Members to note that there will be a parade in Trowbridge of military veterans of Afghanistan and Iraq on Friday 27 June 2008, which she had been invited to review along with the Lord Lieutenant and the Chairman of Wiltshire County Council.

The Chairman asked Members to note that the Licensing Committee scheduled for 15 May 2008 has been cancelled.

#### **7. Election of Leader of the Council 2008/09**

Nominations were sought for the post Leader.

Cllr Payne was proposed by Cllr Eaton and seconded by Cllr Mounde. There being no other nominations, a vote was taken and **Cllr Payne was elected**. There were two abstentions.

## **8. Membership of Cabinet**

The Leader advised that he would announce the membership and responsibilities of his Cabinet shortly.

[Subsequently announced as follows:

Cllr Payne – Leader  
Cllr Phillips OBE - Deputy Leader and Local Government Re-organisation (staffing and accommodation issues) portfolio  
Cllr Eaton - Local Government Re-organisation (operations and systems) portfolio  
Cllr Conley - environment portfolio  
Cllr Davis - policy & communications portfolio  
Cllr Fortescue - housing portfolio  
Cllr March - community portfolio  
Cllr Mounde - economic development and planning portfolio  
Cllr While - finance portfolio  
Cllr Wiltshire - leisure portfolio]

## **9. Appointment of Committees**

The Council considered the report on the arrangements for committees and the allocation of seats.

### **RESOLVED:**

- (a) That the report and the legal requirements are noted.**
- (b) That the current committee sizes and the aggregate number of Committee places available to members of the Council of 69 is retained and approved.**

**and**

**the allocation of seats shown in Table 2 of the report is adopted.**

- (c) That based on the above, members be appointed to the following committees:**

**Planning Committee  
Scrutiny Committee  
Audit Committee  
Staffing and Appointments Committee  
Appeals Panel**

The Leader on behalf of the Conservative Group declined one of the places allocated to the Group for the Scrutiny Committee and gave this place to Cllr Clark.

- (d) That places be set aside for the members not in a political group and those members be appointed in accordance with their wishes.
- (e) That 6 members be appointed to the Local Joint Consultative Committee (LJCC).
- (f) That 15 members be appointed to the Licensing Committee.
- (g) That 4 members be appointed to the Standards Committee.
- (h) That substitute members be appointed on a one for one basis to the following Committees:

**Planning Committee**  
**Scrutiny Committee**  
**Audit Committee**  
**Staffing and Appointments Committee**  
**Local Joint Consultative Committee**

Note: details of the committee membership as approved by Council under the above resolutions are attached as Appendix 1 (also shown are the Chairmen and Vice Chairmen elected by their committees).

Cllr Newbury requested that his vote against 9b be recorded.

## **10. Appointment of additional Members to the Standards Committee**

The report to the Council from the Leader recommended the appointment of two additional Town/Parish Members and one additional Independent Member to the Standards Committee.

### **RESOLVED:**

- i. **Councillor Peter Leach of Bradford on Avon Town Council and Councillor Robert Oglesby of Semington Parish Council be appointed as the additional Town/Parish members of the Standards Committee**
- ii. **Mr Dennis Johnson be appointed as the additional Independent Member of the Standards Committee, in place of Mrs Jacqueline Smith.**

## **11. Annual appointment of representatives on outside bodies**

Council was asked to make the annual appointments to outside bodies. All members had been canvassed for their preferences. The list of bodies had been divided into two schedules, attached as Appendix 2:

Schedule A - where nominations were not oversubscribed;  
Schedule B - where nominations were oversubscribed.

**RESOLVED:**

**To appoint the Members nominated in Schedule A to the outside bodies listed, with the exception of the Wiltshire Strategic Board which is being dissolved.**

**To seek clarification from Wiltshire County Council as to whether the Youth & Community Centre Support Group Bradford-on-Avon and the Youth & Community Services Committee Warminster were to continue in being. If so the nominations listed were approved.**

**To re-appoint Cllr Chivers to Postwatch for its final meeting.**

There were six nominations for the five positions of representatives to Selwood Housing and a secret ballot was held. The number of votes cast for each nominee was as follows:

Cllr Clark	29
Cllr Eaton	25
Cllr Humphries	25
Cllr King	33
Cllr J Osborn	15
Cllr Ridout	26

**RESOLVED:**

**To appoint Cllrs Clark, Eaton, Humphries, King, and Ridout as representatives to Selwood Housing.**

**12. Annual Report of the Scrutiny Committee and Work Plan**

Cllr J Osborn as Chairman of the Scrutiny Committee presented the Annual Report and Work Plan.

**RESOLVED:**

**That Council endorses the annual report of the Scrutiny Committee for 2007/08 and approves the annual work plan for 2008/09.**

**13. Annual Report of the Audit Committee and Work Plan**

Cllr H Osborn as Chairman of the Audit Committee presented the Annual Report and Work Plan.

**RESOLVED:**

**That Council endorses the annual report of the Audit Committee for 2007/08 and approves the annual work plan for 2008/09.**

### **Ordinary Meeting**

#### **14. Questions from members of the public**

None had been received.

#### **15. Reports of Committees**

The Chairmen of Cabinet, Planning, Scrutiny, and the Warminster Area Seminar presented the minutes of their respective Committees, which were noted by the Council.

The Leader drew Members attention to reports of the future of Wiltshire Air Ambulance and expressed his concerns, as did Cllr Carbin.

#### **16. Notices of Motion.**

None had been received.

#### **17. Questions from Members of the Council**

Three questions had been received from Members:

##### **(i) Question to Cllr Conley from Cllr Carbin**

Is it possible to discourage Hills Waste, when collecting black boxes from the streets of West Wiltshire, from generating litter, throwing boxes around and breaking them, leaving emptied boxes in awkward positions and failing to deal politely with concerned residents?

##### **Reply from Cllr Conley**

As Wiltshire County Council has the contract with Hills, they have been asked to respond:

It is difficult to comment on these particular concerns as no specific details are provided. However, Hills Waste Solutions do provide their staff with clear work instructions relating to the standards that should be achieved during the black box collection process. These instructions make it clear that boxes should not be thrown, put placed back where they were tendered for collection, and that litter emanating from the collection (i.e. glass bottles dropped by crews and broken) should be

cleared up. Hills employ several kerbside supervisors who actively monitor the standards achieved and also respond to reported problems.

However, residents also have a responsibility to ensure that their recyclable materials are put out in a secure fashion in order to prevent littering prior to collection. Residents are able to have up to two black boxes if one is considered too small for the amount of recyclables that they might generate on a fortnightly basis. Alternatively, extra recyclables should be placed out in carrier bags although it is important that only one type of material is placed in each extra bag in order to remove the need for collectors to separate materials from a “non-rigid container” – this can be a major cause of injuries to the collectors. Also, it is important to note that, currently, Hills are unable to take the plastic carriers bags away for recycling on the basis that the vehicles are not configured for these to be kept separate from the other recyclables.

Requests for a second black box or comments about service issues, e.g. missed collections, littering, broken boxes, etc should be called through to Hills Waste Solutions on 0845 603 2085 who will investigate and attempt to resolve where appropriate.

Officers will raise these issues with Hills at the next contract meeting, and senior staff at Hills have been made aware of these complaints.

**(ii) Question to Cllr from Cllr Clark:**

West Wiltshire District Council is opposing the application for the registration of land at Beech Grove, Trowbridge as a town or village green.

To date, what is the total cost of this objection (breaking the figure down into cost of officer time and funds paid/owed to the solicitors acting for WWDC)?

Also, what is the estimated total cost of pursuing this objection through the proposed non-statutory local inquiry?

**Reply from Cllr Payne:**

The cost to the Council of legal advice and services to object to the application is £4,800. The cost of representation at the inquiry is estimated at £2,500. Officer time from Legal and Property and Commercial Services has also been devoted to this matter but has not resulted in any additional costs to the Council

**Background**

The sale of the site for affordable housing was approved by Cabinet on 6 June 2007. The matter had previously been considered by Asset Management Group (AMG) on 17 April 2007 and progress was subsequently reviewed at AMG on 17 April 2008.

Town and Village Green Applications:

Several applications have been made to register Council land as town and village greens. Sites at Dorset Crescent, Melksham and Blenheim Park, Bowerhill were clearly areas of open space which had been used by many people for a variety of activities over many years. There were no grounds for objecting to the applications and they have been duly registered as such.

This site has been occupied by one individual under a licence since 2003 allowing him to maintain the site. The licence is personal to him and his family and regulates the use of the site. Wiltshire County Council (WCC) is the registration authority for these matters. Its Regulatory Committee considered the application on 23 April 2008 and resolved to refer it to a non-statutory inquiry which will consider the evidence relating to the various tests which must be satisfied in order for the land to be registered as a town or village green.

Valuations:

As a site for affordable homes the site was valued in January 2006 at £125,000

The value with an alternative use e.g. a community garden was £5,000

If registered as a town or village green the value would be nil and the council would retain maintenance and insurance liabilities.

### **Plans and Alternative Sites**

Alternative sites were proposed as possible locations for a community garden and these are shown on the plan attached as Appendix 3 (sites 2 and 3).

### **(iii) Question to Cllr Payne from Cllr Jenkins:**

Will cabinet, in the interests of the people of West Wiltshire and neighbouring districts,

- condemn the decision of the Driving Standards Agency to close Trowbridge Test Centre and formally ask them to reconsider and to consult on their proposals?
- consider deferring any re-allocation of the lease on the building until this reconsideration and consultation has taken place?
- consider the most appropriate course of action to preserve this important facility in the County Town?

### **Reply from Cllr Payne:**

I refer to my letter dated 28 April 2008 to the DSA (copy attached as Appendix 4).

## **18. Representatives on Outside Bodies – Reporting Back**

Cllr Martindale reported that Wiltshire Racial Equality Council has secured funding from Wiltshire County Council, Wiltshire Primary Care Trust and other sources.

Cllr Griffiths' written report tabled at the meeting on the work of the Youth and Community Services Committee Melksham was noted.

## **19. Local Agreement for Wiltshire**

The Leader introduced the report and handed over to the Sustainable Communities Services Manager who informed Members of what this Council was being asked to commit to.

After discussion of the report Members agreed to amend the recommendations.

### **RESOLVED:**



1. **The Council is a signatory to the first draft of the Wiltshire LAA.**
2. **A letter is sent to Wiltshire County Council which confirms that this Council agrees to the Wiltshire LAA and expresses its commitment to the agreement.**
3. **The Corporate Director (IG) and the Leader are delegated authority to sign the agreement.**
4. **The Corporate Director (IG) and the Leader are delegated authority to make any further changes to the draft LAA until it is agreed with Government.**
5. **All members are kept informed and engaged with the LAW as it is further developed.**
6. **To establish a working group of up to seven Members to review the LAW.**

## **20. Cabinet Forward Workplan**

The Leader presented the Cabinet Forward Workplan which was noted.

## **21. Urgent Departure Decisions**

There were none.

**APPENDIX 1: Agenda Item No. 9 - Committee membership 2008-09**

**APPENDIX 2: Agenda Item No. 11 - Representation on Outside Bodies 2008-09**

**APPENDIX 3: Agenda Item No. 17 (ii) – Cllr Payne’s reply to Cllr Clark’s Question (plans and alternative sites)**

**APPENDIX 4: Agenda Item No. 17 (iii) – Cllr Payne’s letter to the Driving Standards Agency**

Note: at the conclusion of the Council meeting, each of the following committees met to elect their respective Chairmen and Vice-Chairman.

Audit Committee

Planning Committee

Staffing and Appointments Committee

Licensing Committee

Scrutiny Committee

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