

MINUTES

Minutes of: **WEST WILTSHIRE DISTRICT COUNCIL**

Held on: **WEDNESDAY 22 OCTOBER 2008**

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

Present: Cllrs Alford, Binding, Bolwell, Brown, Bryant, Burden, Carbin, Carr, Chivers, Clark, Conley, Coop, Davis, Denison-Pender, Eaton, Fortescue, Fuller, Halik, Hawker, Hedley, Humphries, James, Jenkins, King, March, Martindale, Mounde, Mudge, Newbury, H Osborn, J Osborn, Parks, Payne, Phillips OBE, Repton, Ridout, Seager, Swabey (Chairman), Walker, While and Wiltshire.

Officers: Conservation Officer (RB), Corporate Director and Monitoring Officer (TD), Urban Design and Conservation Assistant (HE), Corporate Director and Head of Paid Services (IG), Corporate Director and Head of Human Resources and Customer Service (SL), Head of Legal Services (NM), Member Support Officer (HP), Housing Needs Manager (AR), Principal Solicitor (SMS), Democratic and Communications Services Manager (NS)

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

35. Apologies

Apologies were received from Cllrs Blakemore, Griffiths and Ridout.

36. Declarations of Interest

Personal interest – Member may be affected by loss of significant allowances

Cllrs Alford, Clark, Conley, Davis, Eaton, Ezra, Fortescue, Fuller, Humphries, March, Mounde, Mudge, J Osborn, Payne, Phillips OBE, Ridout, Swabey, While, Wiltshire.

Personal interest – Member also serves on the County Council.

Cllrs Chivers, Clark, Davis, Fuller, Newbury, J Osborn, Swabey, and While.

37. Minutes

The minutes of the meeting held on 23 July 2008 were agreed as a correct record and signed by the Chairman.

38. Announcements from the Chairman

The Chairman made the following announcements:

- 1) Condolences to Councillor Sue Ezra following the death of her husband, Peter.
- 2) Congratulations to Westbury town for winning the South West Small Town Award for "promoting Christmas in a small town", and to Warminster for winning the award for "Buy Local". Well done to both.

Cllr Fuller added that David Hubbard (Development Control Service Manager) is recovering well after his recent operation, and Council extended their best wishes.

39. Questions from Members of the Public

No written questions were received.

40. Appointment of Town Council member to the Standards Committee

The Corporate Director and Monitoring Officer (TD) introduced a report recommending to Council the appointment of Cllr Stephen Andrews to the Standards Committee to replace Cllr Joan Kinder.

RESOLVED:

- **That Council appoint Cllr Stephen Andrews of Westbury Town Council as a Town Council member on the Standards Committee.**

41. Homelessness Strategy update

Cllr Fortescue introduced a report recommending that Council agrees the latest update of the Homelessness Strategy, which includes a small number of new objectives for completion by 31 March 2009 and informs Council of the objectives achieved since the last update in April 2006.

Cllr Carbin asked if officers managing the transition (with regards to housing) were keeping abreast of these updates. He also reported an apparent propensity for people leaving the armed forces to become homeless, and

asked if future strategies would reflect this. He commented that the strategy made insufficient reference to the option of shared ownership, and that some sections of it appear to be out of date.

The Housing Needs Manager (AR) responded that the strategy is under constant review and all updates will be looked at in terms of the new Wiltshire Council. The Council's Housing Service has excellent relations with the Warminster army barracks and anyone made homeless, regardless of background, is prioritised by the housing service. She added that the option of shared ownership is a contentious issue and one which relies upon housing corporation money.

Cllr Payne suggested that shared ownership will become an increasingly important housing option as the economy declines.

Cllr J Osborn congratulated the Housing Services department on achieving its target of zero people housed in bed & breakfast accommodation. He reminded Council that the delivery of the strategy was the crucial issue, and requested assurance that the Council no longer has an officer capacity problem in Housing Services.

Cllr Fortescue confirmed that it does not.

Cllr J Osborn also drew Council's attention to the internal audit report considered at the last meeting of the Audit Committee, highlighting the amount of write-offs emanating from Housing Services (specifically, debts owed by tenants for whom the Council provided storage/removal of property).

The Housing Needs Manager (AR) replied that Housing staff have since received extra training in arrears collection, and reminded Council that during the previous quarter Housing Services prevented 180 households from becoming homeless; something which saved rather than lost money for the district.

Cllr H Osborn asked how Council will know when the five objectives listed in the report have been achieved. Cllr Fortescue agreed to provide a full update towards the end of the Council's term.

Cllr Newbury asked other Members of the Planning Committee to be mindful of the national housing shortfall when considering planning applications.

RESOLVED:

- **That Council agree the latest update of the Homelessness Strategy.**

42. Westbury Conservation Area Amendments

The Chairman invited a member of the public (Mr Francis Moorland) to address the chamber on this item. Mr Moorland expressed concern that the proposed conservation areas are too confined to the perceived town centre of Westbury, and do not pay heed to historical boundaries. He also expressed a number of specific concerns regarding the dating of individual buildings and their consequent inclusion in, or exclusion from, conservation areas.

Cllr Mounde introduced a report recommending that the Council adopts 9 changes to the Westbury Conservation Area Boundary.

Cllr Denison-Pender described the lengthy process of consultation informing the report and her satisfaction with the resultant document.

Cllr Hawker questioned why other parts of Westbury of equal historic value have not been included in the conservation areas. He also expressed concern that the inclusion of the southern side of Westbury town centre in a conservation area may impede expansion of the commercial area.

The Urban Design and Conservation Assistant (HE) responded that in 2004, as part of the adoption of a Conservation Strategy, the Council conducted character assessments of existing conservation areas and investigated the inclusion of any new areas. The parameters of the current process, however, mean it is only possible to amend existing conservation areas. She added that commercial expansion is not a consideration in designating conservation areas, and that the railings and buildings to which Cllr Hawker had referred were included due to their historic value. She also reminded Council that inclusion within a conservation area does not necessarily preclude development.

Cllr Newbury commented that Westbury was ostensibly a collection of villages, and that, if considered on its own, the area of Westbury Leigh would probably have been deemed worthy of inclusion.

Cllr Jenkins felt that the George Inn on Warminster Road was worthy of inclusion due to its age.

The Urban Design and Conservation Assistant (HE) responded that much of the George Inn's historic character has been lost due to the severe alterations made to its original form, and noted that age was not a reason for inclusion by itself.

RESOLVED:

That Council:

- 1. Adopts 9 changes to the Westbury Conservation Area Boundary in accordance with the plans appended to the report; and**
- 2. Requests that officers consider what other potential conservation areas might exist in the District and communicate this to Members and the new Wiltshire Council.**

43. Capital Programme 2008-09

Cllr While introduced a report seeking Council approval for a £148,000 reduction to the Capital Programme.

Cllr Carbin requested that future reports provide more background for context.

RESOLVED

- **That Council approves the reduction to the Capital Programme 2008-09 giving a revised gross programme of £2.489 million.**

44. Treasury Management – Revised Prudential Indicators 2008-09

Cllr While introduced a report updating the 2008-09 prudential indicators that were agreed by Council as part of the Treasury Management Strategy report in February 2008. He noted that in Appendix 1 of the report the 2008/09 revised gross Capital Programme should read £2.489M, not £2.374M, and the figure less grants and contributions £1.439M, not £1.324M.

RESOLVED:

- **That Council adopts the revised Prudential Indicators as set out in Appendix 1 of the report.**

45. Arrangements for the Council's Civic Assets

The Corporate Director and Monitoring Officer (TD) introduced a report seeking approval for the distribution of the Council's civic assets prior to the transition to One Council on 1 April 2009.

Cllr Phillips OBE proposed that items 12-18 in Appendix 1 (a set of framed pictures of various civic buildings in the district's market towns) would not be accessible at County Hall, and should be distributed to the respective Town Councils.

Cllr Newbury felt that the expressed wishes of Mr Hilser (maker and donator of item 11 – a long case clock) for the clock to remain on public display should be respected.

Cllr Fuller reported that Trowbridge Town Museum had expressed to him its approval of the clock being returned to the Hilser family.

Cllr Clark expressed surprise that the County Council could not find a suitable place to house the clock, and suggested that County Hall's reception area is suitably accessible to the public.

A motion was proposed and seconded to remove the Hilsner clock from the list of allocated items until a suitable home for it could be found. The motion was lost. Cllr Clark requested that his vote in favour of the motion be recorded.

RESOLVED:

- **That Council approves the distribution of the Council's civic assets as proposed in Appendix 1 of the report, with the exception of items 12-18, which will be offered to the respective Town Councils.**

46. Reports of Committees

Cllr Fuller (Chairman of the Planning Committee) presented the minutes of meetings held on 10 July, 31 July, 21 August and 11 September to the Council for information.

Cllr Clark (Chairman of the Scrutiny Committee) presented the minutes of the meeting held on 16 July to the Council for information.

Mr Tony Frost (Chairman of the Standards Committee) presented the minutes of meetings held on 25 June and 17 July to the Council for information.

RESOLVED:

- **That Council receives and notes the following minutes: Planning Committee 78-111, Scrutiny Committee 75-88, and Standards Committee 1-14.**

47. Notices of Motion

One Minority Group Notice of Motion was received in writing within the deadline.

The Motion was proposed by Cllr Carbin and seconded by Cllr Bolwell. Cllr Carbin was invited by the Chairman to speak on the Motion for 5 minutes.

Council then voted without debate (as described in Part 4, Section 1, Para 9, Sub-para (o) of the Constitution) on whether to refer the Motion to Cabinet for consideration at its next available meeting.

The vote was carried.

RESOLVED:

- **That Council refers the Minority Group Notice of Motion to Cabinet for consideration at its next available meeting.**

48. Questions from Members of the Council

The following questions were received within the appropriate deadline. Answers were circulated in writing at the meeting, and Members who had submitted questions were given the opportunity by the Chairman to ask one supplementary question per question submitted.

Question to Cllr Graham Payne from Cllr Terry Chivers

In a recent article in a local paper a story was carried regarding parking enforcement officers parking on double yellow lines.

Was a parking ticket issued to the person in question if not why not?

At an early stage in civil parking enforcement, one of our Enforcement Officers mistakenly believed that they were able to park their Council vehicle in a restricted area whilst they were undertaking their enforcement duties. This is not the case and the team have been instructed accordingly. No ticket was issued - common sense prevailed.

Questions to Cllr Linda Conley from Cllr Terry Chivers

1. *How many fixed penalty parking tickets have been issued within the District?*

Between 16 June and 13 October 2008, 4,775 Penalty Charge Notices were issued across the District.

2. *How many appeals have been allowed?*

Between 16 June and 13 October 2008, a total of 585 informal challenges and formal representations were accepted.

3. *In Frome Road Bradford signage was wrong and had to be replaced. How much did this cost, and how many appeals were granted due to this?*

Parking signage is the responsibility of the County Council and the signs were replaced by that Council. There was therefore no cost incurred by the District Council. A total of 16 appeals were accepted because of the incorrect signage.

4. *In New Town Bradford it states that a parking ticket must be displayed to park in parking bays. There is no parking ticket machine so how do you obtain a ticket?*

The text referring to the purchase of tickets has been removed. The other reference to tickets on the sign reads: "The following will incur a penalty charge...Parking without prominently displaying a valid ticket **or permit**". This is standard working across all of the Districts car parks. As there is no machine present there is no requirement to display a ticket. However, as resident permit holders can stay longer than the maximum permitted period, this wording is included on the sign to facilitate displaying and enforcing of residents' permits.

5. *A local resident phoned you to complain about arrangements for parking in Bradford she alleges you referred her to the Town Council Why?*

I would have referred the resident to the County Council. As the highway authority, it is the County Council who are responsible for prescribing and amending all on street parking and waiting restrictions.

6. *Are there any plans for residents parking schemes within the District if not why not?*

Yes there are. The County Council is responsible for this work as they are the highway authority. The County Council are currently undertaking a series of reviews across the five towns in order to identify where restrictions need amending, removing or adding and any areas where residents parking schemes may be required. We have urged the County Council to complete and implement this review as speedily as possible.

7. *How many bins in the District have failed the two finger test and how many bins have we refused to empty?*

No bins failed the two finger test because the two finger test does not exist.

The number of bins not collected because they were too heavy is extremely low. Only 11 bins have been rejected across the whole of the district since 1 April. That's 11 bins in 1.3 million collections or one thousandth of one percent.

8. *Can you and the Cabinet all lift your bins with two fingers?*

It depends how heavy the bins are.

9. *How many bins have gone un-emptied because they are too far from the footway edge?*

Again very few bins have not been collected because they have not been presented at the kerbside. Only 17 bins have not been collected across the whole of the district since 1 April. That's 17 bins in 1.3 million collections which is also one thousandth of one percent.

10. Who is responsible for these crazy rules the Council or its contractor? If it's the contractor have we considered sacking them?

The Council is responsible for the policy of kerbside collection. Our contractor is responsible for the health and safety of its hard-working employees.

Cllr Chivers declined to ask any supplementary questions, and thanked Cllrs Conley and Payne for the answers provided.

Questions from Cllr J Osborn

1. Leaving aside the acknowledged errors that the Customer Care Desk made in inventing the "two finger rule" for green wheelie bins, nonetheless a number of my electors have asked me exactly what is the weight limit imposed for respectively green and grey bins. Apparently they have contacted FOSCA but failed to receive a meaningful response.

Could you please provide these answers, as my electors have no wish to fall foul of FOSCA/WWDC rules and regulations and become the subject of national media reporting?

There is no set weight to define what constitutes an overweight bin. Whether or not a bin is too heavy to collect is assessed by the individual refuse collection operatives. Their assessment is based on the manual handling and health and safety training that they have received and takes account of the repetitive nature of their work. Each operative collects an average of 500 bins per day or 2500 bins per week.

Residents should not place heavy items such as bricks, large woody items, soil, turf and bulky items of household waste in their bins, as this is largely the reason why bins become too heavy for the operatives to collect safely.

The incidence of bins not being collected because they are too heavy is very low. In the last six months, only eleven bins have not been collected for this reason.

Cllr Osborn asked the following supplementary question:

Given that there is no definitive weight limit for refuse bins, is the 'two finger rule' as good as anything we have?

Cllr Conley stated that there is no 'two finger rule' and advised that bins are only likely to be deemed too heavy to move if they contain earth, rubble, or other very heavy materials.

- 2. Could I please be informed on precisely what legal basis this Council has been advising local people that it is illegal to conduct formal sports on land registered as a Town Green?*

This is contrary to advice provided by the Open Space Society.

This Council requested and obtained legal advice from a Barrister in Southampton, who is one of the leading experts in this field. He advised that local authorities should not be encouraging any activity on Town & Village Greens in their ownership which is going to clash with the right of the local inhabitants to use the whole of the Town & Village Green land for recreation. The advice given by the Open Space Society was in response to a letter in the press and addressing the different issue of sporting facilities in general not formal sport.

('formal sport' is defined as 'A game or match where the user has hired out a pitch or pitches for a fee on a regular basis and they expect to have exclusive use of that space/land for the duration of the booking')

Cllr Osborn asked the following supplementary question:

Is the portfolio-holder aware of any test cases relating to this issue?

Cllr Wiltshire stated that he was not, and that the Council can only rely on the advice of the legal experts consulted.

Questions to Cllr Linda Conley from Cllr Trevor Carbin

- 1. What schools in West Wiltshire are taking part in the 'Yellow Woods Challenge'?*

The Schools taking part in the Yell Woods Challenge this year are:

Fitzmaurice Primary School
Forest & Sandridge Primary School
Holt VC Primary School
Keevil C. of E. Primary School
St John's RC Primary School
The Minster Primary School
Westbury Infants School

Sambourne Primary School
St George's C of E Primary School
Busy Bees Pre-School, Chapmanslade
Studley Green Primary School
North Bradley C of E Primary School
Chapmanslade C of E Primary School
Wylve Valley C of E Aided Primary School
Daisy Chain Nursery, Whitley
Christ Church C of E Primary School
The Mead Community Primary School
Dilton Marsh School
Newtown Primary School

2. *Is the portfolio-holder aware that Yellow Pages can now be recycled via the Black Box collection?*

Hills Waste are accepting Yellow Pages directories through the black box scheme across the County as of Monday 29th September. There was an article in the Wiltshire Times, which correctly stated this information. The directories can also still be recycled at the HRCs.

Cllr Carbin declined to ask any supplementary questions and thanked Cllr Conley for the answers provided.

Question from Cllr Ernie Clark

What progress is this council making towards identifying any traveller sites 'required' by the recent discussion document from, I believe, the SWRA?

In 2006 the District Council, together with the other three Wiltshire districts, Wiltshire County Council and Swindon Borough Council, commissioned consultants to undertake a Gypsy and Traveller Accommodation Needs Assessment. This indicated that there was a total net need of 47 new permanent pitches across Wiltshire and Swindon over the five years to 2011, of which 7 were required in West Wiltshire.

In March 2008, the Panel which conducted a review of additional pitch requirements for gypsies and travellers in the South West, including a Public Examination, published its report. This called for a total of 99 residential pitches, together with 32 transit pitches, over the same area between 2006 and 2026. The figures for West Wiltshire District are 14 and 5 respectively. The Government has accepted this revised approach.

The Panel report arose out of the Public Examination of the Regional Spatial Strategy for the South West, which is intended to provide the context for the preparation of Local Development Frameworks by individual local authorities. The delivery of the additional gypsy and traveller pitches required will therefore be covered by the emerging Local Development Framework Core Strategy. Members will recall that the choice of criteria for site selection for gypsies and travellers was the subject of public consultation in this Council's Issues and Options document in December 2007. The predominant response to this question was that site search criteria should be included in the Core Strategy and that sites should be allocated in a separate document once the Core Strategy had been adopted.

In the light of the impending reorganisation of local government in Wiltshire, it will fall to the new Wiltshire Council to take forward the preparation and adoption of the Local Development Framework, including the allocation of sites for gypsies and travellers, as one of its most pressing tasks.

Cllr Clark declined to ask a supplementary question and thanked Cllr Mounde for the answer provided.

49. Representatives on Outside Bodies – Reporting Back

Cllr Carr gave an update on the Wessex Water Customer Liaison Panel (Northern Area). He reported that Wessex Water are currently conducting trials on flexible tariffs, and on assisted tariffs for those experiencing financial difficulties. He also reported that Wessex Water have recently become the first UK water company to receive the Queen's Award for Enterprise in the Sustainable Development category.

Cllr Mounde reported that the Cranborne Chase Area of Outstanding Natural Beauty Partnership has recently been awarded £2.6 million in European funds - a cause for celebration for residents in the south of the District.

Cllr Phillips OBE reported that disagreements between local authorities and the trade unions over this year's pay award remain unresolved, and have been referred to arbitration.

50. Urgent Item of Business

The Chairman added the following urgent item of business to the agenda (as described under part 4, section 1, para 4, sub-para (e) of the Constitution).

Cllr Payne requested that Council agree to Cllr Denison-Pender's replacement on the Scrutiny Committee by Cllr Burden.

The vote was carried.

RESOLVED:

- **That Council agrees that Cllr Denison-Pender be replaced on the Scrutiny Committee by Cllr Burden.**

51. Update on Local Government Reorganisation (LGR)

The Corporate Director and Head of Paid Services (IG), the Corporate Director and Chief Finance Officer (IJ), and the Corporate Director and Head of Human Resources and Customer Services (SL) gave an update on Local Government Reorganisation. The presentation slides are appended to these minutes (Appendix 1).

Cllr Newbury asked if it is any clearer where the projected £6.6 million savings will come from. Cllr Eaton replied that it is not.

Cllr Bryant noted that the legislation around TUPE and equal pay rights is contradictory.

The Corporate Director and Head of Human Resources and Customer Services (SL) agreed and reported that six months has been decided as a reasonable period before harmonising the pay of staff from the five authorities.

Cllr J Osborn asked why Cllr Eaton and Cllr Phillips OBE (West Wiltshire's representatives on the Implementation Executive (IE)) voted against beginning the appointments process early.

Cllr Phillips OBE replied that appointing staff in advance could jeopardise their TUPE rights and right of appeal, and stated he would have chosen to work with the trade unions rather than going ahead with the appointments process regardless. Cllr J Osborn thanked him for his answer.

Cllr Eaton gave an update on LGR, including the following points:

- The rate of staff loss at the Council remains steady;
- The right of Parish Councils to call planning applications before committee is unlikely to remain after the transition to One Council; and
- Area Boards will contain four Unitary Councillors, excluding the Cabinet Member.

Cllr Phillips OBE added the following:

- The previous scheduled meeting of the Budget Working Group was deferred.

RESOLVED:

- **That Council notes the update.**

52. Cabinet Forward Workplan

The Member Support Officer (HP) announced two alterations made to the Cabinet Forward Work Plan since the agenda was printed:

1. November's Cabinet meeting will now receive Performance Monitoring statistics on Quarters 1 *and* 2, and
2. The Melksham and Westbury Conservation Area Character appraisals will now be considered at January's Cabinet meeting.

RESOLVED:

- **That Council notes the Cabinet Forward Work Plan.**

53. Urgent Departure Decisions – Reporting Back

There were none.

(Duration of meeting held on 22 October 2008: 7.00 – 9.30pm)

These minutes were prepared by Henry Powell, Member Support Officer, who can be contacted on 01225 776655 ext 242, email: hpowell@westwiltshire.gov.uk