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## COUNTY COUNCIL

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MINUTES OF THE COUNTY COUNCIL held at COUNTY HALL, TROWBRIDGE on  
TUESDAY 12 FEBRUARY 2008

**PRESENT:** Mrs J H Seager (Chairman), Mr ML Baker, Mr P Batchelor, Mrs NS Bryant, Mrs EA Chettleburgh, Mr TP Chivers, Mr E Clark, Mr PCB Coleman, Mr M Connolly, Mr BE Dalton, Mr A Davis, Mr PR Davis, Mr AN Deane, Miss MF de Rhé-Philipe, Mrs HM Dixon, Mrs SK Doubell, Mrs MJ Douglas, Mr P Fuller, Mrs MEM Groom, Brigadier RWS Hall, Mrs EM Hannaford-Dobson, Mr JR Henning, Mr M Hewson, Mr CP Humphries, Mr JP Johnson, Mr A Molland, Mr WR Moss, Mr CS Newbury, Mr JC Noeken, Mr SJ Oldrieve, Mr JB Osborn, Mr RT Rogers, Mrs JH Rooke, Mrs P Rugg, Mrs JA Scott, Mr TR Sturgis, Mrs J Swabey, Mrs MSN Taylor, Mr JP Thomson, Mr AJ Trotman, Mrs BA Wayman, Mr IC West, Mr RS While, Mrs M White, Mr DJ Willmott and Mr CS Winchcombe.

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1. **Apologies**

Apologies for absence were received from Dr JM English, Mrs CA Soden and Mr KC Wren.

2. **Members' Interests**

The Chairman drew Members' attention to the letter previously sent to all Members from the Monitoring Officer in relation to advice on possible interests in respect of the items referred to at minute no. 8 (Budget 2008/09) and minute no. 10 (Wiltshire and Swindon Minerals and Waste Development Framework).

Mr Sturgis declared a prejudicial interest in the item referred to at Minute No.10 and left the meeting whilst the matter was under consideration.

Mrs Bryant declared a personal interest as landowner in the same item and remained in the meeting.

3. **Minutes of Previous Meeting**

The minutes of the last meeting held on 6 November 2007 were presented.

**Resolved:**

**That the minutes of the last meeting held on 6 November 2007 be approved as a correct record and signed by the Chairman.**

4. **Communications by the Chairman**

New Members on the Council: Mr E Clark and Mr P Fuller

The Chairman welcomed Mr E Clark (Holt and Paxcroft Division) and Mr P Fuller (Trowbridge East Division) to this their first meeting of Council since their election following by-elections held on 7 February 2008.

Mr Kevin Wren

The Chairman reported that Mr Wren was making good progress following his stroke and that he had appreciated the many kind messages and good wishes he had received during his illness. The Chairman would write to Mr Wren to extend the Council's good wishes.

Extraordinary Meeting of Council – 18 April 2008

The Chairman announced that an Extraordinary Meeting of Council had been arranged for Friday 18 April 2008 to consider the Boundary Review proposals for submission to the Boundary Committee.

Mrs Grace Hill

This being the first meeting of Council since the death of Grace Hill, the Chairman paid tribute to Mrs Hill for all her hard work, dedication, contribution to the work of the Council particularly in education and tireless commitment to the communities she served. These sentiments were echoed by other Members.

Mr Richard Martin

The Chairman reported that Mr Richard Martin, who had worked in the Youth Service in Wiltshire for 34 years had recently died very suddenly. Mr Martin was an exemplary employee who had given unstinting support to the service and the young people in Wiltshire. The Chairman had written to his family to express the condolences of all Members and officers of the Council.

Members and officers stood for a moment in silence as a mark of respect and in recognition of the contributions made by both Mrs Hill and Mr Martin.

5. **Petition**

**Traffic Calming Webbington Road Chippenham, Pewsham Division**

On behalf of the residents of Chippenham and Pewsham, Mrs Doubell made a statement and presented a petition with 90 signatories which called on the Council to introduce traffic calming measures for Webbington Road, Pewsham.

Mrs de Rhe Philipe, Cabinet Member for the Environment, Transport and Economic Development gave a detailed response. She confirmed that this request along with others would be considered at the Members' Seminar on 11 March. Mrs de Rhe Philipe explained that following the Seminar, she would determine the Local Transport Plan integrated transport allocations for 2008/09. As an individual Cabinet Member decision, Members would have an opportunity to comment on the proposals.

**Resolved:**

**That Council notes the petition, request for traffic calming measures for Webbington Road, Pewsham and the action to be taken by the Cabinet Member for the Environment, Transport and Economic Development.**

6. **Public Participation**

The Chairman reported receipt one question from Mrs Spickernell, Vice-Chairman of the Wiltshire Branch of the Council for The Protection of Rural England concerning Junction 16 on the M4. Details of the question and response from the Cabinet Member for Planning and Waste were circulated.

7. **Returning Officer's Return – Holt and Paxcroft and Trowbridge East Electoral Divisions: By-elections 7 February 2008**

The Chairman referred to the results of the by-elections held on 7 February 2008 in which Mr Clark was elected for the Holt and Paxcroft division and Mr Fuller was elected to the Trowbridge East division, details of which were presented.

**Resolved:**

**That the results be received and noted.**

8. **Budget 2008/09**

The Chairman advised Council on how she intended to manage the debate on the budget. The Chairman reminded Members of the various budget papers which had been circulated. In particular, she referred to the Budget Booklet which had first been considered by Cabinet on 22 January, the report of the Chief Financial

Officer presented to Cabinet on 1 February, the report of the Joint Overview and Scrutiny meeting held on 5 February and revised Service Standards.

The Chairman invited the Leader to present her budget speech, a copy of which was tabled at the meeting. The Leader then moved a motion, details of which were circulated, to approve the recommendations from Cabinet dated 1 February 2008 (with one minor amendment?) and this was duly seconded by Mr Thomson.

A detailed discussion ensued on the various elements of the budget proposals and the Leader and her Cabinet responded to the points raised.

Mr Osborn presented the report of the Joint Overview and Scrutiny meeting when it met to consider the budget proposals on 5 February. Mr Osborn thanked Members and Cabinet Members for attending the meeting for what had been a good and thorough debate.

On being put to the vote, it was

**Resolved:**

**Projected Revenue Spending 2007-08**

- (1) To note the projected outturn underspend in 2007-08 of £84,000.
- (2) To note the projected level of balances at 1<sup>st</sup> April is £7.002 million.
- (3) To approve the rollover of £0.266 million underspend by the Department of Environmental Services to fund delayed projects into 2008-09 budget.

**Capital Resources and Programme 2008-09 to 2010-11**

- (4) To agree the Capital Programme 2008-09 to 2010-11 as shown in the budget booklet (Appendix A blue pages) with one amendment, that the proposal for Malmesbury Library internal refurbishment be postponed and replaced by £213,000 for pavement maintenance.
- (5) To approve the use of supported borrowing allocations – noting that it does not generate revenue support grant.
- (6) To note the risk assessment and plans to manage the programme.

**Treasury Management 2007-08**

- (7) To adopt the Treasury Management 2008-09 report V as set out in the budget booklet and specifically:
  - (a) to adopt the Prudential Indicators (Appendix A green pages);

- (b) to adopt the Annual Investment Strategy (Appendix B green pages);
- (c) to delegate to the Chief Financial Officer the authority to vary the amount of borrowing and other long term liabilities within both the Operational Boundary and Authorised Limit;
- (d) to authorise the Chief Financial Officer to agree the restructuring of existing long-term loans where savings are achievable;
- (e) to agree that short term cash deficits and surpluses continue to be managed through temporary loans and deposits; and
- (f) to agree that any long term surplus cash balances not required to cover borrowing are placed in authorised money market funds, particularly where this is more cost effective than using short term deposits and delegate to the Chief Financial Officer the authority to select such funds.

#### **Robustness of Estimates and Adequacy of reserves**

- (8) To consider when recommending a net revenue budget and Council Tax for 2008-09 to the County Council:
  - (a) the assessment of the robustness of estimates which have been used in preparing the budget proposals presented;
  - (b) the total level of general balances and earmarked reserves;
  - (c) the recommended level of general balances is £7.7 million.

#### **Revenue Budget 2008-09 – Spending and Council Tax**

- (9) To agree that the Revenue Budget requirement for 2008-09 will be £250.332 million, the service level allocations for which are shown in Appendix A attached, including:
  - (a) An allocation of £400,000 for Highways, split equally between:
    - pothole repairs, this will fund the mending of at least 3,000 more potholes, and
    - drainage maintenance, where the extra funds should allow for repairs and improvements at a further 25 sites across the County.
  - (b) An adjustment in the contribution to balances of £7,000.
- (10) Note the reconciliation between the budget booklet and the proposal in 9 above is as follows:

	£MILLION	£MILLION
Total resources budget booklet report III (Appendix 2)	247.798	
Add collection fund surplus	1.541	
Add tax base changes	0.799	
Total resources per 1.2.08 report ( Appendix A)	<b>250.138</b>	
Additional grant adjustment public law fees	0.194	<b>250.332</b>
Spending proposal (budget booklet report III Appendix 5)	246.924	
Level 1 & 2 proposals per 1.2.08 report	2.941	
Adjustment public law fees	0.074	
Pothole repairs and drainage maintenance	0.400	
Contribution from balances	(0.007)	
		<b>250.332</b>

- (11) To agree the precept for 2008-09 of £179.449 million.
- (12) To agree that the 2008-09 council tax charge for County Council services for all property bands will be based on £1020.59 for Band D properties, representing a percentage increase of 4.80% on 2007-08, (Appendix B attached).
- (13) To recognise that for financial planning purposes, an indicative council tax increase for 2009-10 and 2010-11 is 3.8%.
- (14) Note that the Leader of the Council proposes to write to the Secretary of State to express the Council's disappointment that Wiltshire County Council continues to be a "floor" authority limiting our grant increase to 2%. The letter will raise with the Secretary of State the issue that instead of capital grants the Government has awarded the Council supported capital borrowing, the "floor" mechanism results in Wiltshire getting no increase in cash grant to reflect this capital spend. The letter will also raise the loss of grants in particular the Young People's Substance Misuse Grant and the ICT Grant for Social Care both of which are essential, unavoidable services.

## 9. **A Sustainable Community Strategy for Wiltshire**

In considering a report on the New Local Area Agreement and Governance of Strategic Partnerships Update, Cabinet had recommended the adoption of a Sustainable Community Strategy, details of which were presented.

On being moved by the Leader and seconded by Mr Thomson, it was:

**Resolved:**

- (a) **To adopt the following recommendation of Cabinet dated 18 December 2007:**

**“To support the Council’s leadership role by recommending that the County Council adopts the sustainable Community Strategy as appended to the report which was considered in draft by Council at its State of Wiltshire Debate on 27 March 2007.”**

- (b) **That the Local Area Agreement be the subject of debate at the County Council State of Wiltshire Debate meeting on 18 March 2008.**

**Adjournment**

Note at this point in the proceedings, the meeting adjourned for lunch and reconvened at 1.45pm.

10. **Wiltshire and Swindon Minerals and Waste Development Framework: Publication of Submission Draft Minerals and Waste Core Strategy Development Plan Documents**

Mr Sturgis having declared a prejudicial interest in this item and left the meeting, the Cabinet Member for the Environment, Transport and Economic Development presented the recommendations of Cabinet dated 22 January 2008.

**Resolved:**

- (a) **To approve the Submission Draft Minerals and Waste Core Strategies for publication and undertaking consultation for a final six-week period from 24 March to 7 May 2008.**
- (b) **To endorse the Submission Draft Minerals and Waste Core Strategies and to recommend that the County Council at its meeting on 12 February, 2008 approve the documents for the purpose of submission to the Secretary of State and the commencement of the independent examination under Section 20 of the 2004 Act.**

11. **Wiltshire Children and Young People’s Plan 2008-2011**

The Cabinet Member for Education and Youth Development presented the recommendation of Cabinet dated 1 February 2008 to agree the Children and Young People’s Plan for 2008-11.

**Resolved:**

**To agree the Children and Young People’s Plan 2008-2011 as presented and delegate to the Lead Member for children & young people’s services (the Cabinet Member for Education & Youth Development) responsibility for**

**signing off the final version for publication, in the light of any comments made by Members and consulting as necessary with partner agencies through the Children & Young People's Trust Board Executive.**

12. **Cabinet Business**

Post Offices

The Leader referred to the Government's intention to close 2,500 post offices across the country and the impact this would have on Wiltshire with a reported 19 planned closures and a further 11 branches being replaced by outreach services.

The Leader reported that following consultation with group leaders, she had written to the Post Office in response to its consultation exercise which expired on 31 January 2008. In the letter which had been previously circulated to Members, she highlighted the impact such a cut in services would mean for local people, particularly those in rural communities and urged the Post Office to reconsider its proposals. The Leader undertook to keep Members informed of any response.

Business Management Programme (BMP)

The Leader confirmed that Cabinet had at its meeting on 11 February 2008 selected Logica as the preferred bidder for the BMP project.

13. **Members' Questions**

No questions had been received.

14. **Reports of Cabinet**

The minutes of Cabinet held on 27 November 2007, 18 December 2007, 22 January 2008, 1 February 2008 and 11 February 2008 were received and noted.

15. **Questions: Cabinet**

Review of Working with the Voluntary and Community Sector - Minute No. 125 – dated 27 November 2007

Mrs Doubell enquired as to whether the information on funding sought from the four district councils had been received.

Mr Thomson confirmed that no information had as yet been forthcoming and that he had requested the Director of Community Services to write to the Chief Executives of the district councils to request the information. He also confirmed that work was progressing well at the county council level.



16. **Informal Implementation Executive**

The notes of the informal Implementation Executive for the meetings held on 28 November 2007 and 16 January 2008 were received and noted.

The Leader explained that she hoped that the meeting to be held on 19 March 2008 would be on a formal basis following the anticipated approval of the Wiltshire (Structural Change) Order in the next few weeks.

17. **Joint Overview and Scrutiny Transition Board (JOSTB)**

Mr Osborn, Chairman of the Overview and Scrutiny Management Committee updated Council on the work of the informal Joint Overview and Scrutiny Transition Board from their meetings held on 14 December 2007 and 25 January 2008. Notes of the meeting held on 25 January 2008 were received and noted.

A discussion ensued on whether or not Executive members should serve on task groups of the JOSTB and it was noted that the Monitoring Officer would be circulating a letter of advice to Members in this regard.

18. **Reports of Overview and Scrutiny Management Committee**

The minutes of the meetings held on 1 November 2007 and 17 January 2008 were received and noted.

19. **Questions: Overview and Scrutiny Management Committee**

No questions were raised.

20. **Report of Health Overview and Scrutiny Committee**

The minutes of the meeting held 15 November 2007 were received and noted.

21. **Appointment of Joint Health Scrutiny Committee for Great Western Ambulance Service**

Council considered a report of the Assistant Director (Corporate Services) which sought Council approval to form a Joint Committee with neighbouring Councils, namely Gloucestershire County Council, Swindon Borough Council, Bristol City Council and South Gloucestershire Council. The purpose of the Joint Committee would be to scrutinise the Great Western Ambulance Service NHS Trust following concerns that the Trust was consistently failing to meet a number of its performance targets particularly in the rural areas. It was noted that performance against targets had been particularly low in Wiltshire.

All the aforementioned Councils apart from Swindon had agreed to waive the requirements for political proportionality on the Joint Committee. Swindon Borough Council would be considering the matter on 25 February.

The benefit of waiving political proportionality would be to keep the Joint Committee within a manageable size to remain focussed on the significant concerns shared by all the constituent councils.

Political proportionality could be waived by the Council provided that no Member voted against the proposition. Council approval was therefore sought to waive political proportionality and appoint 3 members from the Health Overview and Scrutiny Committee to the Joint Committee.

A Member questioned the benefit of waiving political proportionality and on being put to the vote, voted against the proposals and consequently, political proportionality could not be waived.

**Resolved:**

**That the proposal to waive political proportionality for the purposes of appointing a Joint Committee to scrutinise the performance of the Great Western Ambulance Trust be not agreed on the basis that a Member voted against it.**

**22. Questions: Health Overview and Scrutiny Committee**

No questions were raised.

**23. Reports of Children's Services Scrutiny Committee**

The minutes of the meetings held on 8 November 2007 and 31 January 2008 were received and noted.

**24. Questions: Children's Services Scrutiny Committee**

No questions were raised.

**25. Reports of Regulatory Committee**

The minutes of the meetings held on 14 November 2007 and 19 December 2007 were received and noted.

**26. Questions: Regulatory Committee**

No questions were raised.

**27. Report of the Final Accounts and Audit Committee**

The minutes of the meeting held on 13 December 2007 were received and noted.

28. **Questions: Final Accounts and Audit Committee**

No questions were raised.

29. **Reports of the Staffing Policy Committee**

The minutes of the meetings held on 7 November 2007 and 15 January 2008 were received and noted.

30. **Questions: Staffing Policy Committee**

No questions were raised.

31. **Report of the Officers Appointments Committee**

The minutes of the meeting held on 17 December 2007 were received and noted.

32. **Questions: Officers Appointments Committee**

No questions were raised.

33. **Report of the Wiltshire Pension Fund Committee**

The minutes of the meeting held 28 November 2007 were received and noted.

34. **Questions: Wiltshire Pension Fund Committee**

Confirmation was given that the meeting held on 28 November 2007 had been quorate.

35. **Report of Standards Committee**

The minutes of the meeting held 23 January 2008 were received and noted.

36. **Recommendations from the Standards Committee – Changes to the Constitution**

The Chairman presented reports of the Monitoring Officer in respect of recommendations from the Standards Committees on the following areas which if agreed would involve changes to the Constitution:

- (a) **Membership Term – Independent Members of the Standards Committee**

**Resolved:**

**That Council agree the following recommendation of the Standards Committee dated 23 January 2008:**

In order to retain the experience and knowledge of existing independent members during the transitional period to help shape the role and composition of the new Standards Committee the following change be made to the Constitution:

**Part 2 – paragraph 9.4**

To extend the term of office of existing independent members of the Standards Committee from 4 to 5 years to enable them to serve until such time as a new Standards Committee is appointed by the new Council:

(b) Local Assessments

**Resolved:**

That the terms of reference for the Standards Committee, as set out at paragraph 2.3 of Part 3 of the Constitution be amended to cover the additional functions that the Standards Committee was due to inherit under the new Orders and Regulations Relating to the Conduct of Local Authority Members in England as follows:

**Delete:**

*“dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer to the Monitoring Officer”*

**Insert:**

*“dealing with all matters relating to:*

- the initial assessment of misconduct allegations under the Members’ Code of Conduct;*
- any request to review a decision to take no action in relation to a misconduct allegation;*
- any hearing to determine whether a member has breached the Code, and where appropriate impose sanctions”.*

**37. Questions: Standards Committee**

No questions were raised.

**38. Wiltshire and Swindon Fire Authority**

The minutes of the Wiltshire and Swindon Fire Authority meeting held on 21 December 2007 were noted. No questions had been submitted by Members.

39. **Wiltshire Police Authority**

The minutes of the Wiltshire Police Authority meeting held on 6 December 2007 were noted.

In Mrs Soden's absence, the report of the Wiltshire Police Authority from Mrs Soden was presented by Mr Humphries and duly noted. No questions had been submitted by Members.

40. **Review of Allocation of Seats on Committees to Political Groups**

Following two by-elections held on 7 February 2008 which resulted in a change to the political balance of the Council, it was now necessary to review the allocation of seats on committees to political groups.

A report by the Head of Legal and Democratic Services was presented which requested Council to review the allocation of seats on committees and to appoint Members to committees.

On motion by the Leader and seconded by Mr Thomson, it was

**Resolved:**

- (a) **To note the report and the legal requirements contained in it.**
- (b) **To approve the aggregate number of committee places available to members of the County Council being 87 and the number of members on each committee as detailed in Appendix A to these minutes.**
- (c) **To approve the nominations of Group Leaders, as set out in Appendix B for the appointment of Members to the standing committees of the County Council to serve until the allocation of committees is next reviewed under the provisions of the Local Government and Housing Act 1989.**

(Duration of meeting: 10.30 – 2.50pm)

The officer who has produced these minutes is Yamina Rhouati, Democratic and Members' Services, direct line 01225 718024,

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