

## COUNCIL

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### **DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 13 MAY 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Pat Aves, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Liz Bryant, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Christine Crisp (Chairman), Cllr Brian Dalton, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Stewart Dobson, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Richard Gamble, Cllr Jose Green, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Bob Jones MBE, Cllr Simon Killane, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Magnus Macdonald, Cllr Alan MacRae, Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Christopher Newbury, Cllr John Noeken, Cllr Paul Oatway, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Linda Packard, Cllr Mark Packard, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, Cllr Horace Prickett, Cllr Leo Randall, Cllr Fleur de Rhé-Philipe, Cllr Pip Ridout, Cllr Ricky Rogers, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr James Sheppard, Cllr John Smale, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Thorn, Cllr Ian Tomes, Cllr Dick Tonge, Anthony Trotman, Cllr John Walsh, Cllr Nick Watts, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Christopher Williams and Cllr Graham Wright

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#### **28 Election of Chairman 2014/15**

The Chairman, Councillor Christine Crisp called for nominations for the position of Chairman of Council for 2014/15.

Councillor Roy While was proposed by Councillor Alan Hill and seconded by the Chairman. Councillor Ian West was proposed by Councillor Mark Packard and seconded by Councillor Graham Wright.

There being no further nominations and on being put to the vote, it was

**Resolved:**

**That Councillor Roy While be elected Chairman of Wiltshire Council for the municipal year 2014/15.**

The Chairman read out and signed the declaration of acceptance of office of Chairman of the Council witnessed by the Monitoring Officer.

#### **Councillor Roy While in the Chair**

Councillor Christine Crisp reflected on her time in office as Chairman of the Council highlighting key events she had attended on the Council's behalf and chairing meetings of the Council. She commented that it had been a privilege to represent the Council in such a distinguished manner and she wished the newly elected Chairman all the very best.

Group leaders thanked Councillor Crisp for her services as Chairman of the Council and her services to local government generally. The Leader expressed her gratitude to Councillor Crisp for having been a great ambassador for the Council.

#### **29 Election of Vice-Chairman 2014/15**

The Chairman called for nominations for the position of Vice-Chairman of Council for 2014/15.

Councillor Richard Britton was proposed by Councillor Bridget Wayman and seconded by Councillor Julian Johnson.

There being no further nominations and on being put to the vote, it was

**Resolved:**

**That Councillor Richard Britton be elected Vice-Chairman of Wiltshire Council for the municipal year 2014/15.**

The Vice-Chairman read out and signed the declaration of acceptance of office of Vice-Chairman of the Council witnessed by the Monitoring Officer.

#### **30 Apologies**

Apologies for absence were received from Councillors Bill Moss, Chris Hurst, Nick Fogg, Howard Greenman and Helena McKeown.

#### **31 Declarations of Interest**

No declarations of interest were made.

## 32 Minutes of Previous Meeting

The minutes of the last meeting held on 25 February 2014 were presented.

### **Resolved:**

**That the minutes of the last Council meeting held on 25 February 2014 be approved as a correct record and signed by the Chairman subject to an amendment at minute no. 21 (c) – Council Tax Resolution with the inclusion of Councillor Josie Green’s name as those voting in favour of the motion.**

## 33 Announcements by the Chairman

### **(a) Royal Visits**

The Chairman reported that the County had been fortunate to have had two Royal visits in recent months.

In April, Her Royal Highness The Princess Royal visited Coombe Castle Creamery in Melksham to formally open their new premises and to present them with the Queen’s Award for Enterprise for International Trade. She then went on to Devizes where she presented the Kennet & Avon Canal Trust with the Queen’s Award for Voluntary Service, visited the Wiltshire Museum to formally open their new galleries, and then attended a Save the Children Reception for volunteers in the Town Hall.

In early May, Their Royal Highnesses The Earl & Countess of Wessex made a full day visit to Wiltshire. Their visit began at the new Visitor Centre at Stonehenge and the Stones before attending the rededication of Airman’s Cross, now relocated at the top of the path to the Visitor Centre. They then journeyed to Salisbury to open the new Wessex Gallery in Salisbury Museum and visit St. Thomas Church in the City centre. His Royal Highness then attended to a Duke of Edinburgh Award event held at St. Edmund’s Girls’ School in Laverstock where he present badges to Gold Award winners; whilst Her Royal Highness visited the Wiltshire South Guide Centre in Berwick St. James in her capacity as President of Girl guiding. The day ended at the Royal Wessex Yeomanry where a Reception was held with employers and reservists followed by a dinner with representatives from both the Royal Wessex Yeomanry and the Wiltshire Yeomanry.

All the organisations involved were delighted to be able to welcome the Royal visitors to their events and it was good to be able to welcome them to Wiltshire.

### **(b) Cycle Event May Bank Holiday**

Cycle Wiltshire proved to be a big success on 3rd and 4th May with more than 500 people taking part in a sportive cycle ride from Five Rivers Leisure Centre. lots of people also took part in the many activities that were available at the Cycle Wiltshire Village with many commenting on the special atmosphere.

The following day saw an elite cycle race start and finish in Wilton with more than 120 riders competing and a big congregation of people in the Market Square to cheer them on. Cycle Wiltshire was part of Wiltshire Council's a legacy for Wiltshire Partnership.

### **(c) The Care Bill – Members' Briefing 10 June**

The Care Bill (soon to be an act) had been described as one of the most important pieces of legislation since the establishment of the NHS in 1948. It would radically extend the Council's responsibilities and bring our social care staff in contact with a much larger proportion of the local population. As such it would have a clear impact on the Council's long term financial and workforce planning.

Given its significance, the Chairman invited all Councillors to attend a briefing on the Bill, in the Council Chamber, at 3pm on the 10 June. The briefing would finish by 5pm and allow opportunities for questions and interactive discussions on the implications for Wiltshire. The Chairman urged Councillors to attend.

### **34 Public Participation**

The Chairman reported that Mr Bernard Aslett had registered to address the meeting. Mr Aslett spoke to draw Council's attention to his concerns over the state of the highways in various parts of the County. Councillor John Thomson, Cabinet member with responsibility for Highways responded to Mr Aslett's concerns.

### **35 Petitions**

A report by the Democratic Governance Manager was presented which gave Council details of the six petitions received for the period since the last report to Council.

#### **Resolved:**

**That Council note the report, the petitions received and the actions being taken in relation to them, as set out in the Appendix to the report.**

### **36 Notices of Motion: Recognition of Trade Union Rights - Councillors Jeff Osborn and Terry Chivers**

The Chairman reported receipt of the above mentioned motion from Councillors Jeff Osborn and Terry Chivers.

Accordingly, Councillor Jeff Osborn moved the following motion which was duly seconded by Cllr Terry Chivers:

*“In the tendering of any future contracts for services provided by this Council, a clear condition should be made that the Council will only enter into a contract with organisations that make a clear and public commitment that they fully recognise trade union rights for their employees and that they will continue to do so.”*

To assist Council in its consideration of the motion, a report was circulated via the Agenda Supplement for the meeting which provided legal advice on the implications of adopting such a motion. Council was therefore asked to consider the motion in light of this legal advice.

For Council’s ease of reference the rules on how a motion is dealt with at Council, taken from Part 4 of the Council’s constitution was presented.

Councillor Jeff Osborn presented his motion and in so doing requested that the motion be deferred to the next meeting to allow for thorough consideration of the legal advice presented.

Councillor Stuart Wheeler, Cabinet member explained that time had been taken to formulate the legal advice to enable Council to properly consider the motion. He further explained that what the motion was seeking was effectively illegal and as such could not see that anything would be gained by deferring it. Councillor Wheeler emphasised advice in the report which stated that in terms of any future contracts, it would not be possible within the current statutory framework to use as evaluation criteria a public commitment to recognise Trade Unions for collective bargaining purposes. Such a proposal could also deter smaller companies from tendering and therefore discriminating against them.

Having been moved by the Chairman and seconded and being put to the vote, it was

**Resolved:**

**That the motion be debated.**

The Chairman invited Group Leaders to speak on the motion before opening the debate to other members. A discussion ensued during which a number of members spoke in favour and against the motion.

Councillor Gordon King moved the following amendment which was duly seconded by Councillor Jon Hubbard:

*‘That the motion be referred to the Staffing Policy Committee to consider the legal implications of the terms of the motion and to ensure maximum protection to employees wherever possible.’*

On being put to the vote, the above amendment was CARRIED and it was

**Resolved:**

**That the motion be referred to the Staffing Policy Committee to consider the legal implications of the terms of the motion and to ensure maximum protection to employees wherever possible.**

(note: the motion was considered by the Staffing Policy Committee at its meeting on 9 July 2014 – link to meeting

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=140&MId=8032&Ver=4>  
Item 39 refers)

**37 Review of Allocation of Seats on Committees to Political Groups and Appointment of Committees**

**37a) Appointment of Committees and Review of Allocation of Seats on Committees to Political Groups**

**37b) Appointment of Councillors to Committees**

**37c) Appointment of Chairmen and Vice-Chairman of Committees**

**38 Appointment to the Wiltshire and Swindon Fire Authority**

The Chairman referred Council to the various items on the agenda on appointments – numbered 10 (a), (b) and (c), and 11, reports on which were presented. He explained that unless anyone had any comments to make on the individual items, he intended to take them together. The Chairman noted that Group Leaders had been consulted on the principles of what was being proposed.

In relation to item 10 (a) – Appointment of Committees, the Chairman reminded Councillors on the Pewsey and Tidworth Area Committee that they had been convened to meet on the rising of this meeting in order to elect its chairman and vice-chairman and establish the Pewsey Area Board and Tidworth Area Board. It was noted that all Area Boards would be asked to elect their respective chairmen and vice-chairmen at their first meeting in accordance with the arrangements set out in the constitution.

The Leader moved a composite motion in respect of the appointments to be made as tabled at the meeting and this was duly seconded. The Leader drew attention to a proposed change to the membership of the Health and Wellbeing Board whereby the opposition group member would now become a voting member taking one of the 4 voting places. This was welcomed by Councillor Jon Hubbard, opposition Group Leader.

For the avoidance of doubt, the list of membership of committees was displayed on screen and each Group Leader confirmed its accuracy for their respective group.

On being put to the vote, the Leader's motion was CARRIED and it was;

**Resolved:**

- (a) To note this report and the legal requirements.**
- (b) To re-appoint the following committees with the terms of reference as set out in the Constitution:-**

**Strategic Planning  
Area Planning – East, North, South and West  
Licensing  
Standards  
Overview and Scrutiny Management  
Children's Select  
Health Select  
Environment Select  
Audit  
Appeals  
Staffing Policy  
Officer Appointments  
Pension Fund  
Police and Crime Panel**

- (c) To reappoint the Health and Wellbeing Board with the terms of reference and membership as set out in the Constitution subject to the opposition member (Cllr Ian Thorn) now being given voting rights.**
- (d) To appoint those Area Boards, constituted as area committees as set out within the Constitution and to appoint those members representing electoral divisions to their respective area boards as set out in Appendix 1.**
- (e) To approve the aggregate number of committee places available to members of the Council being 174 and the number on each committee as follows:-**

Committee	Total Number of Places for Elected Members	Conservative Group Allocation ( 59 seats)	Liberal Democrat Group Allocation (24 seats)	Labour Group Allocation ( 4 seats)	Independent Group Allocation ( 10 seats)	UKIP ( 1 seat)
Strategic Planning	11	7	3	-	1	-
Area Planning Committees						
North	11	7	3	-	1	-
South	11	6	2	2	1	-
East	8	7	-	-	1	-
West	11	7	2	-	2	-
Licensing	12	7	3	-	2	-
Overview and Scrutiny Management	15	8	4	1	2	-
Children's Select	13	8	3	1	1	-
Environment Select	13	7	4	1	1	-
Health Select	13	7	3	1	2	-
Standards	11	7	3	-	1	-
Police and Crime Panel	7	4	2	-	1	-
Audit	11	6		-	1	1
Appeals	8	5	2	1	-	-
Staffing Policy	9	5	3	-	-	1
Officer Appointments	5	3	1	-	1	-
Pension Fund	5	4	1	-	-	-
TOTALS:	174	105	42	7	18	2

**(f) To approve the nominations of Group Leaders, as set out in Appendix 2 for the appointment of councillors and substitutes, to**



serve on committees in accordance with the agreed scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.

- (g) To reappoint the following co-opted non-voting members to the Standards Committee:

**Mr John Scragg**  
**Miss Pam Turner**  
**Mr Paul Neale**  
**Mr Philip Gill MBE, JP**

- (h) To appoint the following non-elected members to the Children's Select Committee:-

<u>Non-Elected Voting Members</u>	<u>Representing</u>
Mrs L Swainston	Church of England
Dr M Thompson	Clifton Diocese Roman Catholic Church
Vacancy	Parent Governor (Secondary-maintained)
Vacancy	Parent Governor (Secondary – academy)
Mrs A Kemp	Parent Governor (Special Educational Needs)
Mr K Brough	Parent Governor (Primary)
<u>Non-Elected Non-Voting Members</u> (Up to Five)	School, Children and Young People representatives
Mrs D Dale	Further Education Representative
Miss S Busby	Secondary Schools Headteacher Representative
Miss T Cornelius	Primary School Headteachers Representative
Mr J Hawkins	School Teacher Representative
Mr K House	Children & Young People's Representative

**(i) To appoint the following Chairmen and Vice-Chairmen:-**

<b><u>Committee</u></b>	<b><u>Chairman</u></b>	<b><u>Vice Chairman</u></b>
Strategic Planning Committee	A Davis	A Trotman
Area Planning Committee – Eastern	C Howard	M Connolly
Area Planning Committee – Northern	T Trotman	P Hutton
Area Planning Committee – Southern	F Westmoreland	C Devine
Area Planning Committee – Western	C Newbury	J Knight
Licensing Committee	P Ridout	D Allen
Standards Committee	J Johnson	J Noeken
Audit Committee	A Deane	R Britton
Staffing Policy Committee	A Bucknell	J Smale
Officer Appointments Committee	J Scott	JThomson
Pension Fund Committee	T Deane	C Howard
Health and Wellbeing Board	J Scott	delegated to the Board

**(j) To note that the Overview and Scrutiny Management Committee, the Select Committees and the Police and Crime Panel will be asked to elect their respective Chairmen and Vice-Chairmen at their first meeting following the annual meeting of council.**

**(k) To appoint the following councillors to serve on the Wiltshire and Swindon Fire Authority for 2014/15**

<b>Conservative (6)</b>	<b>Liberal Democrat (2)</b>	<b>Independent (1)</b>
<b>C Devine</b>	<b>H Marshall</b>	<b>E Clark</b>
<b>G Payne</b>	<b>B Jones</b>	
<b>M Groom</b>		
<b>C Newbury</b>		
<b>B Wayman</b>		
<b>J Knight</b>		

**39 Constitutional Changes Recommended by the Standards Committee**

It was noted that a briefing session for members was held on 6 May 2014 to go through the detail of the proposed changes to the constitution as recommended by the Standards Committee.

Cllr Julian Johnson, Chairman of the Standards Committee presented a report which detailed the proposed changes together with the necessary documents from the constitution with tracked changes for ease of reference. Cllr Johnson moved the proposed changes and this was duly seconded.

The changes proposed were in respect of the following areas of the constitution:

- Part 4 – in relation to Petitions
- Part 9 – Financial Regulations and Procedure Rules
- Part 12A – in relation to the Safeguarding Children and Young People Panel

Councillor Johnson drew Council's attention to the updated details of the document relating to the Safeguarding Children and Young People Panel circulated in Agenda Supplement No. 1.

**Resolved:**

- (a) To approve changes to Part 4 of the constitution in relation to petitions and Part 4A, the Petition Scheme, as shown in the tracked change documents at Appendix 3 of the report presented subject to the following amendment concerning the eligibility criteria to sign a petition:**

Those eligible to sign a petition to include those from the age of 13 upwards who live, work or study in Wiltshire for petitions to full Council and those who live in the appropriate community area for petitions to the area board.

- (b) To approve changes to Part 9 of the constitution as shown in the tracked change document at Appendix 5 of the report presented.**
- (c) To approve changes to Part 12A of the constitution to include details of the Safeguarding Children and Young People Panel of the as shown in the tracked change documents as circulated in Agenda Supplement No. 1.**

**40 Annual Report on Executive Decisions Taken Under Special Urgency**

Council received an annual report as required by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 concerning decisions taken by Cabinet under the Special Urgency procedure. The report related to the period since the last such report to Council in November 2013.

The Leader confirmed that no decisions had been taken by Cabinet using the Special Urgency procedure during this period.

**Resolved:**

**Council to note the report presented and that no decisions had been taken under the special urgency provisions since the last report to Council.**

**41 Annual Report of Overview and Scrutiny Management Committee 2013/14**

Councillor Simon Killane, Chairman of the Overview and Scrutiny Management Committee presented the Overview and Scrutiny Annual Report for 2013/14 which had been previously circulated electronically to all Councillors. Cllr Killane highlighted the work carried out during the year and particularly the development that had taken place in response to the Peer Challenge Review Report. He pointed out that the overview and scrutiny work programme was better aligned to the key actions in the Council's Business Plan following consultation with Cabinet members and partners. He was confident that the Management Committee was increasing its influence over how overview and scrutiny was perceived particularly by focusing on supporting policy development through the use of task groups.

Cllr Killane then gave the opportunity to the chairmen of the select committees to comment on relevant key activities during the year for their respective committees.

Health Select Committee – Councillor Christine Crisp referred to the new NHS structures and the work being done in partnership to hold providers to public account. She referred to the enormous amount of working being undertaken by the Committee and wide ranging subjects covered by task groups.

Children's Select Committee - Councillor Jon Hubbard had had a very effective year with its work on safeguarding being nationally recognised. He thanked committee members in particular the vice chairman, Councillor Jacqui Lay and those involved in task groups. Councillor Hubbard paid tribute to the excellent support provided by Henry Powell, Senior Scrutiny Officer.

Environment Select Committee – Councillor Alan Hill referred to the challenges in major areas such as highways and waste and thanked all those members involved for their hard work.

In conclusion Councillor Killane thanked those councillors and offices who had engaged and supported overview and scrutiny during a year of transition.

**Resolved:**

**To receive and note the Annual Report of Overview and Scrutiny for 2013/14.**

## 42 **Annual Report of the Corporate Parenting Panel 2013/14**

Councillor Laura Mayes introduced this item.

The role of the Corporate Parenting Panel was to secure Councillor involvement and commitment throughout the Council to deliver better outcomes for children and young people who were looked after. All Councillors were reminded of their responsibilities as a “corporate parent” for children and young people who were looked after in Wiltshire.

Councillor Alan Macrae, Portfolio Holder for Safeguarding presented and guided Council through the Annual Report on the Corporate Parenting Panel. A slide show was presented which showcased initiatives and activities held in support of looked after children.

A presentation was made by Miss Tara Hall, a care leaver who read a very inspiring speech she had previously given at a national conference in October 2013. The speech captured her own personal experience of her education prior to and on becoming looked after by Wiltshire Council. The speech was very well received by members prompting a standing ovation.

### **Resolved:**

**To receive and note the Annual Report of the Corporate Parenting Panel and ratify the improvements required to strengthen Corporate Parenting in Wiltshire.**

## 43 **Minutes of Cabinet and Committees**

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book and this was duly seconded by the Vice-Chairman:

Cabinet	18 March , 22 April 2014
Cabinet Capital Assets Committee	18 March 2014
Cabinet Transformation Committee	18 March 2014
Overview and Scrutiny Management Committee	4 March, 29 April 2014
Children's Select Committee	25 March 2014
Health Select Committee	11 March 2014
Environment Select Committee	18 February, 15 April 2014
Licensing Committee	17 March 2014
Northern Area Planning Committee	12 March, 2 April, 23 April 2014
Eastern Area Planning Committee	20 February, 3 April 2014
Southern Area Planning Committee	20 March, 10 April 2014
Western Area Planning Committee	5 February, 19 March, 9 April 2014
Strategic Planning Committee	12 February, 12 March 2014

Standards Committee	25 April 2014
Audit Committee	11 March 2014
Officer Appointments Committee	4/5/13 March 2014
Staffing Policy Committee	5 March 2014
Wiltshire Health and Wellbeing Board	6 February 2014
Wiltshire Pension Fund Committee	6 March 2014
Wiltshire Police and Crime Panel	6 March 2014
Wiltshire and Swindon Fire Authority	13 February 2014

The Chairman then invited questions from members on points of information or clarification on the above minutes and gave the Chairmen of those meetings the opportunity to make any important announcements on the work of their respective Committees.

**Resolved:**

**That the above mentioned minutes be received and noted.**

**44 Dates of Council meetings 2014/15**

On report by the Chairman, it was

**Resolved:**

**To approve the Council meetings for the remainder of 2014/15 as follows:**

**2014**

**29 July**

**21 October**

**2015**

**3 February (if required)**

**24 February (budget meeting)**

**12 May (Annual Council)**

**45 Councillors' Questions**

The Chairman reported receipt of questions from Councillors Terry Chivers, Jeff Osborn, Graham Payne and George Jeans, details of which were circulated in

Agenda Supplement No. 1 together with responses from the relevant Cabinet member. Details of questions and responses are attached as Appendix 3.

Questioners were permitted to each ask one relevant supplementary question per question submitted and where they did so, the relevant Cabinet member responded.

## **Appendices**

Appendix 1 – membership of Area Boards

Appendix 2 – membership of Committees

Appendix 3 - Councillors' questions

(Duration of meeting: 10.30 am - 12.55 pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024, e-mail [Yamina.Rhouati@wiltshire.gov.uk](mailto:Yamina.Rhouati@wiltshire.gov.uk)

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