

COUNCIL

MINUTES OF THE COUNCIL MEETING HELD ON 9 NOVEMBER 2010 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Richard Beattie, Cllr Chuck Berry, Cllr John Brady, Cllr Richard Britton, Cllr Philip Brown, Cllr Rosemary Brown, Cllr Allison Bucknell, Cllr Jane Burton, Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Christopher Cochrane, Cllr Peter Colmer, Cllr Mark Connolly, Cllr Christine Crisp (Vice-Chair), Cllr Michael Cuthbert-Murray, Cllr Brian Dalton, Cllr Andrew Davis, Cllr Peter Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Peggy Dow, Cllr Peter Doyle, Cllr Rod Eaton, Cllr Nick Fogg, Cllr Peter Fuller, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mark Griffiths, Cllr Mollie Groom, Cllr Lionel Grundy OBE, Cllr Brigadier Robert Hall (Chairman), Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Malcolm Hewson, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Chris Humphries, Cllr Peter Hutton, Cllr Tom James MBE, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Simon Killane, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Howard Marshall, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Francis Morland, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Jeffrey Ody, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Sheila Parker, Cllr Graham Payne, Cllr Stephen Petty, Cllr Nina Phillips, Cllr Leo Randall, Cllr Fleur de Rhe-Philipe, Cllr Pip Ridout, Cllr Bill Roberts, Cllr Ricky Rogers, Cllr Judy Rooke, Cllr Paul Sample, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr John Smale, Cllr Carole Soden, Cllr Toby Sturgis, Cllr Julie Swabey, Cllr John Thomson, Cllr Dick Tonge, Cllr Anthony Trotman, Cllr Bridget Wayman, Cllr Ian West, Cllr Fred Westmoreland, Cllr Stuart Wheeler, Cllr Roy While, Cllr Christopher Williams and Cllr Graham Wright

60. Apologies

Apologies for absence were received from Councillors Mark Packard, Chris Caswill, Laura Mayes, Linda Conley, John Knight, Paul Darby, Keith Humphries, Stephen Oldrieve and Alan Macrae.

61. Declarations of Interest

No declarations of interest were made.

62. **Minutes of Previous Meeting**

The minutes of the Meeting held on 13 July 2010 were presented.

Resolved:

That the minutes of the last Council meeting held on 13 July be approved as a correct record and signed by the Chairman.

63. **Announcements by the Chairman**

(a) The Next Four Years – A Presentation

The Chairman explained that the meeting would be adjourned following the conclusion of business under Item No.7 of the Summons, to allow the Leader of the Council to give a presentation to Council and allow discussion on the challenges the Council would be facing over the next four years. Please see the end of minute no. 68 below.

(b) Chairman's Reception 2011

The Chairman confirmed that he would not be holding a Chairman's Reception during his year of office and that such a decision had been taken with the agreement of the Leader of the Council.

(c) Wiltshire Council Civic Carol Service

The Chairman reminded Councillors of their invitation to attend the Council's Civic Carol Service which would be held at St. John's Parish Church, Devizes on Wednesday, 15 December at 7.00 p.m, conducted by the Archdeacon of Wiltshire, the Venerable John Wraw.

Alternatively Councillors were welcome to join the annual Staff Carol Service to be held in the Council Chamber at 1.00 p.m. on the same day. Musicians from the Wiltshire Rural Music School would be providing the musical accompaniment for that celebration and the Reverend Rob Thomas from St. James' Parish Church in Trowbridge had kindly agreed to lead the service.

(d) Remembrance Day Services & Parades

The 2010 Royal British Legion Poppy Launch in Wiltshire was held at County Hall on the 28 October with the Leader and Vice-Chairman of the Council purchasing the first poppies. The Chairman stressed how it was good to be involved with this important and vital fund raising work undertaken by the Royal British Legion, given the strong and valued armed services link to Wiltshire.

The Chairman thanked those Councillors who would be attending Annual Remembrance Day Services and Parades to lay wreaths at war memorials across the County on behalf of Wiltshire Council.

(e) 'Shaping the Future – Being the Best' – Corporate staff awards 2010

The Chairman referred to the first corporate awards held on Monday 27 September at the City Hall in Salisbury to celebrate and recognise the excellent work being done by Wiltshire Council employees. 200 nominations had been received shortlisted to 68 before the judges agreed on the winners which were read out by the Chairman.

On behalf of Council, the Chairman congratulated the winners and those who were highly commended in a variety of categories.

(f) Keith Gale – Lifetime Achievement Award

The Chairman paid tribute to Mr Keith Gale who had been awarded a lifetime achievement award as part of the 'Your Local Hero Awards' run by the Salisbury Journal. Mr Gale had been an active and inspirational youth worker for the Council for over 40 years, and served local government with distinction. The Chairman congratulated him on his award and wished him all the best in his future and ongoing youth work; sentiments which were echoed by other Councillors.

(g) Seminar on the Voluntary and Community Sector

The Chairman reminded Councillors that a seminar on the voluntary and community sector had been arranged to take place in the council chamber following this Council meeting. The Seminar would be focussing on the Council's relationship with the voluntary and community sector and the wide range of work undertaken with them.

64. **Petitions**

(a) **Petitions Received**

Petition – Save Melksham Library

The Chairman reported receipt of a petition organised by Cllr Jon Hubbard, details of which were circulated. The petition with 2,184 signatories called on the Council to keep Melksham's Library located in the town centre and for it not be relocated to a new Melksham campus out of town.

At the Chairman's invitation, Cllr Jon Hubbard presented the petition. He explained that he was generally in favour of the campus proposals which included replacement of out of date facilities for Melksham. He was however,

concerned that such a well used library would be relocated out of town to the detriment of local residents and would entail the loss of a valuable community resource which had only recently been refurbished. He also pointed out that a number of people used the library to access the internet to search for employment following the loss of the Job Centre.

At the Chairman's invitation, Cllr John Noeken, Cabinet member for Resources responded to the petition. He confirmed that as yet, no detailed proposals or costings relating to a potential Melksham campus had been considered or agreed. He also referred to the financial challenges facing councils and the Government's highlighting of the opportunities that savings offered by property rationalisation gave to protecting front line services and providing a platform for improved service delivery.

The Chairman of Melksham Area Board, Cllr Jonathan Seed reassured Council that the majority of Melksham Area Board members saw the campus opportunity as a hugely positive event for local residents. Melksham Area Board would be asked to confirm that the Area Board should be the appropriate body to represent the Melksham Community Area in the consultation with Wiltshire Council on the Melksham Community Area Campus project.

Resolved:

That Council receive and note the petition and that it be referred to Melksham Area Board.

(b) **Petitions Update**

A report by the Head of Democratic Services was presented which informed Council of the withdrawal of the Government's statutory guidance relating to petitions and gave details of the seven petitions received for the period since the last Council meeting.

It was explained that the statutory guidance relating to petitions was revoked by the Government with effect from 24 September, principally to allow local authorities more discretion on how they deal with petitions. The Council remained legally bound to comply with the minimum requirements of the statutory duty in place to respond to petitions until such time as the relevant legislation was repealed. Council noted that a new e-Petitions facility would be introduced on 15 December 2010 to meet these requirements.

Resolved:

That Council:

i) notes the report, the petitions received and the actions being taken, as

set out in the Appendix to this report;

ii) notes the withdrawal of the statutory guidance relating to how local authorities deal with petitions and

iii) notes the activation of a new e-Petitions facility in advance of the statutory deadline of 15 December 2010 available to all those who live or work in Wiltshire or use Wiltshire Council services.

65. **Public Participation**

There were no requests for public participation.

66. **Wiltshire Anti-Social Behaviour Reduction Strategy and Implementation Plan**

The Leader of the Council presented Cabinet's recommendation dated 27 July 2010 on the adoption of the Wiltshire Anti-Social Behaviour Reduction Strategy.

The Leader explained that she had attended the launch of the Strategy with Wiltshire Police and other partners last week. The Strategy would enable closer partnership working with other partner agencies which would lead to better and more closely co-ordinated efforts.

The Leader urged the Councillors to familiarise themselves with the Strategy and Implementation Plan in order to assist their constituents in tackling anti social behaviour issues in association with partner agencies.

During discussion of the Strategy, concern was expressed by some Councillors that there were insufficient references in both the Strategy and Implementation Plan on the role of Councillors and how they could engage in the process on behalf of their constituents.

Cllr Jeff Osborn also sought information on the circumstances leading to the issuing of a Dispersal Order for the Studley Green area of Trowbridge.

Resolved:

- (a) **That Council adopt the Wiltshire Anti-Social Behaviour Reduction Strategy and Implementation Plan.**
- (b) **To inform the Community Safety Partnership of this Council's grave concerns over the lack of member involvement being documented in the Strategy and Implementation Plan and that a response be sought from the Partnership on this issue.**

- (c) That a report on the issuing of a Dispersal Order in respect of the Studley Green area of Trowbridge be provided to Cllr Jeff Osborn and Cllr Helen Osborn.**

MEETING ADJOURNED

The meeting was adjourned at this point (12.10pm) to allow for a presentation by the Leader of the Council and discussion on the challenges facing the Council over the next four years.

The Next Four Years: The challenges we face

The Leader reported that work was continuing on a Business Plan that would take a robust and realistic approach to managing the challenges the Council would be facing over the next four years. The Business Plan would focus on:

- making savings necessary following the outcome of the Comprehensive Spending Review (CSR)
- protecting the most vulnerable people in our communities, the local economy and keeping the council tax low
- investing to make improvements and in delivering new services including waste and recycling, leisure, housing and broadband access

Council noted the reduction in Government Grant by 28.4% over the four year period with the reduction front loaded in years one and two and the loss of most ring fenced and specific grants. This would mean the Council needed to find up to £30 million in extra savings in next year's budget and the Leader explained how the savings would be found.

A management review was currently underway to reduce the number of managers by 240 over the next two months. All services areas across the Council were working to identify savings of 12%. Some services would be reviewed over the next four years to maximise efficiencies and savings and make reductions of at least 19%. The purchasing of goods and services would be reviewed which included renegotiating with the contractors to reduce costs and review contracts. Additionally, every effort would be made to increase income wherever possible.

At a time of significant job losses in the public sector, every effort would be made to support the local economy by actively encouraging new employment opportunities in the County.

The Business Plan was constantly being reviewed as more information emerged from Central Government. The Leader acknowledged that the Council's role, its workforce, its responsibilities and how it worked with its communities and partners would undoubtedly change. In this context, the Leader specifically referred to emerging legislation in the form of the Health White Paper, the Adult Care White Paper, the Localism Bill and the Police Bill.

A discussion then commenced which started with contributions from other group leaders and then other members of the Council on the challenges as outlined and the Council's response to them. The Leader responded to the points raised. Councillors appreciated the opportunity to discuss this very important issues.

MEETING RECONVENED

The meeting reconvened after lunch at 2.00pm.

67. **Revenue Budget Virement 2010-11**

Cllr Fleur de Rhe Philipe, Cabinet member for Finance, Performance and Risk presented a recommendation from Cabinet dated 19 October 2010 for Council to approve virements from reserves as a way of managing the financial pressures and Government reductions. The report of the Chief Finance Officer was presented which provided background information and explained that there had been a number of unforeseen and extraordinary pressures on the Council's budget. Such pressures included the Government's reduction in Area Based Grant, a confirmed increase in adult social care need and costs associated with the current management review.

Resolved:

That the Council, in line with Financial Procedure Rule 15.7, approve the virements from reserves as highlighted at paragraphs 7 to 9 of the report presented.

68. **Annual Report on Treasury Management 2009/10**

Cllr Fleur de Rhe Philipe, Cabinet member for Finance, Performance and Risk presented the Annual Report on Treasury Management for 2009/10 for consideration. This would enable Councillors to consider the performance of the Council against the parameters set out in the last approved Treasury Management Strategy. It was noted that the report had been considered and agreed by Cabinet at its meeting on 14 September 2010. Cllr de Rhe Philipe explained that quarterly reports would be presented to Cabinet on the Strategy to enable close monitoring of investments and Prudential Indicators.

In response to a question from Cllr Colmer, Cllr de Rhe Philipe undertook to provide him with a written reply to confirm the amount originally invested with Icelandic banks, the amount recovered, the amount we anticipate in recovering and the amount that would be lost from the Council's original estimate.

Resolved:

That Council notes:

- a) the actual cash position at the end of 2009-10 against the original forecast for the year;
- b) Prls and other treasury management strategies set for 2009-10 against actual positions resulting from actions within the year as detailed in Appendix A of the report presented and
- c) investments during the year in the context of the Annual Investment Strategy as detailed in Appendix B of the report presented.

69. **Councillors' Questions**

The Chairman reported receipt of questions from Councillors Ernie Clark, Jon Hubbard, Jeff Osborn, Helen Osborn, Nick Fogg, Simon Killane, Trevor Carbin, Peter Colmer, Graham Payne and Ricky Rogers.

Details of the questions and responses given were previously circulated and are attached as Appendix A to these minutes.

Supplementary questions were made in some cases summarised as follows:

Cllr Clark – harmonisation of taxi services – questioned the ability to find a solution to harmonise the service. In the absence of Cllr Keith Humphries, Cabinet member for Health and Wellbeing, it was agreed to provide a written response.

Cllr Clark – ‘Housing Matters’ magazine – asked how many Wiltshire Council tenants had asked for information in a non-English language. The Leader undertook to provide a written response.

Cllr Clark – Chief Executive’s salary – asked why the Leader would not be approaching the Chief Executive on a cut in his pay. The Leader explained that the Chief Executive’s pay had been set at the median line and agreed by all political parties on the Council.

Cllr Clark / Cllr Hubbard – costs of Wiltshire Council branding – Cllr Clark asked for a breakdown of how the reorganisation was saving approximately £18 million per annum. The Leader undertook to provide a written response. Cllr Hubbard queried the comparative costs mentioned in the response and expressed a view that money spent on branding could have been better spent on funding jobs.

The Leader explained that the decision to rebrand following the Council’s decision to change its name to Wiltshire Council had been taken two years ago and in a different financial climate. She also commented that the Council had been open and transparent in detailing the costs associated with the rebranding.

Cllr Hubbard – costs of redundancies under local government reorganisation – questioned why terms and conditions were harmonised up to the best rather than down and how this would compare under new terms and conditions of service.

The Leader replied that the Implementation Executive formed from members of all 5 councils had at the time looked at the issue sensibly and made decisions with help from DCLG. The severance arrangements agreed had been purely for the period of local government reorganisation and it was noted at the time that the arrangements would be subsequently reviewed.

Cllr Helen Osborn – Pedestrian crossing on Bythesea Road/Gateway shopping complex – Cllr Osborn reiterated her concern that it could take an accident to occur for the issue to be addressed and wished to be kept informed.

Cllr Nick Fogg – Pewsey Road Bridge, Marlborough – Cllr Fogg thanked Cllr Tonge for his answer and explained that most of his concerns had been addressed. He questioned whether it was possible to examine lessons learnt following completion of major projects. He also referred to negotiations needing to take place with utility companies prior to a project being undertaken.

Cllr Dick Tonge, Cabinet Member for Highways and Transport confirmed that consultation did take place with Area Boards on major projects in their area. Every effort was made to ensure utility companies completed their works on time during major projects. The issue of costs to local authorities in carrying out remedial repairs following works by utilities had been taken up with the relevant Minister.

Cllr Peter Colmer – Redundancy costs since April 2009 – Cllr Colmer added that the average cost per redundancy based on the written reply equated to £90,000, and asked whether the Leader agreed that the redundancy pay policy had no demonstrable gain and was in conflict with the aims of the move to one council.

The Leader disagreed and stressed that the move to one Council generated £18 million year on year savings. The Council as a unitary authority was in a much better position to weather the current financial challenges than the five former councils would have been. Reducing the five senior management teams to one was always going to cost.

Cllr Peter Colmer – Asked if there was a definite date for the appointment of a full time equivalent Empty Homes Officer.

Cllr Brady explained that the advert for the post was withdrawn in light of the management review currently taking place to provide the opportunity for the post to be filled internally by someone at risk of redundancy.

Cllr Peter Colmer – Accuracy of information at meetings – Suggested that it would be more prudent for Cabinet members to undertake to provide written responses where there was any uncertainty.

Cllr Payne – Shaw Trust/Palmer Gardens, Islington, Trowbridge – Reiterated his concerns to establish ownership. Cllr Thomson agreed to ask officers to investigate the matter further and to keep Cllr Payne informed.

Cllr Ricky Rogers – Appointment of Governors to Salisbury Sarum Academy – Cllr Rogers asked if the method of appointing a Governor in this case would be applied to all other Governor appointments or just for the Bremerton Division.

Cllr Lionel Grundy, Cabinet Member for Childrens' Services explained the circumstances leading to the appointment of a Governor for this Academy.

70. **Executive Business**

(a) **Update from the Leader and/or Cabinet Members**

No reports were made.

(b) **Area Boards – General issues**

Cllr Desna Allen expressed some concerns over the timescale for circulating minutes of the Area Board Chairmen's meeting. Cllr Chris Williams, Portfolio Holder for Communities would look into the matter.

(c) **Scheme of Delegation on Executive Functions**

The Leader of the Council presented a revised Scheme of Delegation on Executive functions details of which were presented. The Leader explained that as part of the review of the constitution, she had taken the opportunity to revise the Scheme to reflect more accurately arrangements for the discharge of Executive functions.

The Scheme documented delegations to Cabinet, Cabinet Committees, individual members of Cabinet, Area Boards, Officers or under joint arrangements. The Leader also reported to Council the establishment of two Cabinet Committees. The Cabinet Capital Assets Committee was responsible for the management of capital assets. The Cabinet Business Rates Relief Committee was responsible for determining applications for business rates relief above a certain threshold. The terms of reference and membership details of both Cabinet Committees were presented.

Resolved:

That Council notes the changes to the Leader's Scheme of Delegation on Executive Functions which would be included as Part 3A of the revised constitution.

71. **Overview and Scrutiny**

The Chairmen of the Overview and Scrutiny Select Committees were invited to update Council on major activities within their respective Select Committees.

Environment Select Committee

Cllr Mollie Groom updated Council on her Committee's consideration of the following matters:

- The Corporate Director for Neighbourhood & Planning had provided an overview of the Department's priorities for the next 12 months and that this would be reflected in the Committee's work programme.
- Consideration of the Car Parking strategy and Leisure services review in advance of consideration by Cabinet.

Overview and Scrutiny Resources Select Committee

Cllr Jeff Osborn updated Council on his Committee's consideration of the following matters:

- A Task Group had been established led by Cllr Tony Trotman to look at S106 agreements. Cllr Jeff Osborn commented that in order to capitalise on S.106 agreements, the initiative needed to be properly resourced.

Cllr John Brady explained that he had attended a meeting of the S.106 Task group on 8 November and he pledged to resource this area of work as much as possible within budgetary constraints.

Children's Services Select Committee

Cllr Carole Soden updated Council on the Committee's consideration of the following matters:

- Earlier this year a Rapid Scrutiny exercise was undertaken on the review of Special Educational Needs provision.
- The committee intended to carry out a major review of special schools and post-16 educational needs by way of a Task Group with the Committee seeking volunteers to serve on the Task Group.

72. **Minutes of Cabinet and Committees**

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

| Meeting | Date |
|---|---|
| Cabinet | 27th July, 14th September, 19 October |
| Children's Services Select Committee | 22nd July, 23rd September |
| Environment Select Committee | 6th July, 7th September |
| Health and Adult Social Care Select Committee | 8th July, 9th September |
| Overview & Scrutiny Organisation and Resources Select Committee | 15th July, 16th September |
| Officer Appointments Committee | 27th July, 31st August |
| Standards Committee | 21st July, 22nd September, 26th October |
| Staffing Policy Committee | 28th July, 22nd September, 12th October |
| Wiltshire Pension Fund Committee | 14th July, 15th September, 30th September |
| Strategic Planning Committee | 7th July, 21st July |
| Audit Committee | 30th September |
| Northern Area Planning Committee | 21st July, 11th August, 1st September, 22nd September, 13th October |
| Eastern Area Planning Committee | 22nd July, 12th August, 14th October |
| Southern Area Planning | 15th July, 5th August, 26th August, 16th |

| | |
|---------------------------------|---|
| Committee | September, 7th October, 28th October |
| Western Area Planning Committee | 14th July, 25th August, 15th September, 6th October, 27th October |

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

Cabinet – 19 October 2010 – Minute No. 146. Transformation of Waste and Recycling Collections

Cllr Ian McLennan referred to the Council's website which explained circumstances which would lead to re-consultation and asked why the views of South Wiltshire appeared to have been dismissed without undertaking a further consultation.

Cllr Toby Sturgis replied that he was not aware of the statement made on the website and would provide Cllr McLennan with a written response.

Children's Services Select Committee – 23 September 2010 – Minute No. 109 - Laverstock Schools Update

Clarification was sought on the comment 'It was agreed that this was an Area Board issue' in relation to the bullet point concerning parking.

Cllr Carole Soden, Chair of the Children's Services Select Committee replied that there had been much discussion on this at the meeting when the view was taken that it was an Area Board issue given that it was a localised issue. She noted that Cllr Mary Douglas, Chairman of the Salisbury Area Board had taken this on board.

Cllr Mary Douglas offered to discuss this with further with Cllrs Richard Britton and Ian McLennan separately.

Cllr McLennan doubted that the Area Boards had sufficient money to deal with this issue without a financial injection from the Cabinet.

Cabinet – 14 September 2010 – Minute No. 135. Free Swimming Initiative

Cllr Brian Dalton queried Cabinet's decision to discontinue the Free Swimming Initiative.

Cllr Stuart Wheeler, Cabinet member for Leisure, Sport and Culture clarified that the Council had run the initiative which had been funded from

a specific Government grant. However, since withdrawal of the grant, the Council was unable to fund it as it would cost £500k in a full year, money which the Council did not have.

Resolved:

That the above mentioned minutes be received and noted.

73. **Wiltshire Police Authority**

The minutes of the Wiltshire Police Authority meetings held on 16 September and 12 October 2010 and report were received and noted. No questions on these documents had been received from Councillors.

74. **Wiltshire and Swindon Fire Authority Minutes**

The minutes of the Wiltshire and Swindon Fire Authority meeting held on 23 September 2010 were received and noted with no questions having been received from Councillors.

75. **Notices of Motion**

(c) **Notice of Motion No. 13 - Landshare - From Councillors Jon Hubbard and Peter Colmer**

The Chairman reported receipt of the following notice of motion from Cllrs Jon Hubbard and Peter Colmer:

‘That:

Council welcomes:

The Landshare website (www.landshare.net) which, is there to connect people who want to grow their own fruit and vegetables, to people who have space to share. It is also a community website that enables people to share knowledge and resources, encourage debate and discussion, plus lower barriers to entry into the “grow your own” movement.

That Council resolves to support this initiative by:

- Putting a link on the council’s website
- Place an article in the next edition of Your Wiltshire promoting ‘Landshare’
- Publicise allotments available in Wiltshire and how to rent one, where necessary working with Town and Parish Councils.
- Publicise the contact details for all allotment societies across Wiltshire’.

Once moved and seconded, Cllr Jon Hubbard was invited to speak to the motion. He explained that the motion was designed to assist the Council in its objective to promote self-sufficiency and he commended the motion to the Council.

The Chairman moved that the motion be debated and this was duly seconded by the Vice-Chairman and on being put to the vote, it was

Resolved:

That notice of motion no.13 be debated

The Chairman called on Cllr Sturgis to open the debate as the Cabinet member for Waste, Property and Environment before inviting Group Leaders and then opening the debate to other Councillors.

Cllr Toby Sturgis explained that the company mentioned in the motion was a social enterprise which sought to connect those who owned surplus land and those who wished to grow food but did not have land. He confirmed that a link to landshare was already available from the Council's website. Cllr Sturgis moved an amendment to the motion which was duly seconded which he read out to the meeting. On being put to the vote, the amendment was CARRIED and on being put to the vote as a substantive motion, it was

Resolved:

That motion no. 13 be adopted as amended, as follows:

That Council welcomes:

The Landshare website (www.landshare.net) which, is there to connect people who want to grow their own fruit and vegetables, to people who have space to share. It is also a community website that enables people to share knowledge and resources, encourage debate and discussion, plus lower barriers to entry into the 'grow your own' movement.

That Council resolves to support this initiative by:

- **Putting information in Your Wiltshire covering Landshare**
- **Listing known allotments and allotment societies**
- **Continuing to consider requests to transfer council owned land suitable for allotments in accordance with our policies.**

(d) **Notice of Motion No. 14 - Daylight Saving Bill - From Councillor Trevor Carbin**

The Chairman reported receipt of the following motion from Cllr Trevor Carbin:

That Wiltshire Council:

Supports the Private Members Bill being put forward by Rebecca Harris MP to introduce double summertime in the UK, and calls on Wiltshire's MPs to support the Bill at its second reading in the House of Commons on December 3rd.

Reasons

1. The change would mean lighter evenings and darker mornings. It would cut Wiltshire's road casualty rate, saving lives and reducing injuries.
2. Britain's major sporting organisations including The Football Association, The Lawn Tennis Association and The England and Wales Cricket Board are in support of the proposal, because it would allow more time for sport especially for schoolchildren via after-school activity.
3. Environmental organisations including 10:10 support the move. The change would save an estimated 5,000 tonnes of CO2 in Wiltshire annually, thus helping the council to meet its environmental objectives".

Having been moved and seconded, the Chairman invited Cllr Trevor Carbin to speak to the motion.

The Chairman moved that the motion be debated and this was duly seconded by the Vice-Chairman. On being put to the vote, the motion to debate was LOST and it was

Resolved:

That notice of motion no. 14 above be deferred until the next Council meeting on 22 February 2011.

76. **Review of the Council's Constitution**

Mrs Isabel McCord, Chairman of the Standards Committee and Focus Group on the Constitution introduced this item to Council. She gave a brief synopsis of the work undertaken to review the constitution and urged Councillors to adopt the constitution as revised. She also thanked the Focus Group and officers for all their hard work in reaching this stage.

The Chairman presented a report on the outcome of the review of the constitution. Council in previously adopting a constitution for Wiltshire Council did so on the basis that a review would be undertaken into its effectiveness in light of experience after six months of operation. The Standards Committee was requested to carry out the review which it did by establishing a Focus Group on the Constitution to carry out the detailed work required.

The Focus Group comprised a member from each political group on the Council and representatives from the Standards, Audit and Overview and Scrutiny Resources Select Committees. Members of the Focus Group commented that serving on the Focus Group had been a very positive experience and had been an extremely productive exercise.

The Focus Group had recommended a number of changes to the constitution as reflected in the revised draft constitution made available to all Councillors. The Standards Committee held a special meeting on 26 October 2010 to consider the conclusions and recommendations of the Focus Group. The Standards Committee was satisfied with the detailed work undertaken by the Focus Group and drew up a series of recommendations for Council's consideration with a view to adopting a revised constitution. To assist Council, a summary of the main changes being recommended was also presented.

The Chairman referred to the following three issues which remained outstanding:

- Protocol 7 – Media Relations, the Focus Group had asked for this to be redrafted. It was also noted that this document would need to take account of the proposed new Local Authority Code of Recommended Practice on Local Authority Publicity once in place.
- Cabinet member response times – In light of the comments made by the Focus Group and Cabinet members, the Standards Committee had asked this Council to determine the issue believing that it would be useful to include an appropriate timescale for responses.
- Guidance on amendments to motions – As requested by the Focus Group, the Monitoring Officer had produced this guidance for initial consideration by the Chairman of Council and Group Leaders, details of which were presented.

Cllr Stuart Wheeler, member of the Focus Group agreed to answer questions on the review and recommended changes. Cllr Wheeler confirmed that there had been cross party support for the changes proposed. He also explained that further reviews would be required as a result of emerging legislation including the Localism Bill in particular once enacted.

The Chairman circulated a motion which took on board the recommendations of the Standards Committee and the above mentioned outstanding issues and this was duly seconded by the Vice-Chairman and on being put to the vote, it was

Resolved:

That Council:

- 1. Adopts the following recommendations of the Standards Committee dated 26 October 2010 (this excludes recommendation (iii) relating to the Media Relations Protocol:**
 - (i) To approve the changes proposed to the constitution shown as tracked changes on the draft revised constitution for adoption by Council at its meeting on 9 November 2010.**
 - (ii) To approve for inclusion in the constitution the Protocol on Partnerships, the Protocol on Guidance to Councillors on Outside Bodies and the Protocol on Governance Reporting Arrangements.**
 - (iii) That Council determines the issue of whether or not provision should be made in the constitution in respect of response times by Cabinet members (see 4. below).**
 - (iv) To note the decision of Cabinet dated 19 October 2010 to defer consideration of the review of the Development Control Service until such time as the implications of any changes to the planning system as a result of the Decentralisation and Localism Bill are known. Consequently, the Scheme of Delegation on Planning – Part 3C and the Planning Code of Good Practice for Members of Wiltshire Council – Protocol 4 remain unchanged in the meantime.**
 - (v) To designate the current Scrutiny Manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions as defined in Section 31 of the Local Democracy, Economic Development and Construction Act 2009.**
 - (vi) To authorise the Monitoring Officer to make such amendments as are necessary to give effect to decisions of Cabinet, Council or its committees and to ensure that the constitution is clearly presented and legally fit for the purpose of the Council.**
 - (vii) To thank the Focus Group, its Chairman Mrs Isabel McCord and other members of the Council who contributed to the**

review for all its valuable work in undertaking the detailed work required to carry out the review.

(viii) To agree that the Focus Group remains in being to assist with

- the ongoing review work on the constitution as and when required;**
- producing user friendly summaries of the relevant parts of the constitution for use by members of the public and members of the Council and**
- specifically to review the constitution in light of any changes in the legislation including the proposed Decentralisation and Localism legislation**

and to amend its terms of reference to reflect the above.

- 2. To ask the Monitoring Officer, after consultation with the Focus Group on the Review of the Constitution and the Service Director, Policy and Communications to prepare and approve a revised Media Relations Protocol, which takes account of the proposed new Local Authority Code of Recommended Practice on Local Authority Publicity, due to come into effect on 1 January 2011.**
- 3. To ask the Monitoring Officer to approve the ‘Guidance on Amendments to Motions’ following consultation with the Focus Group on the Review of the Constitution for inclusion as an appendix to Part 4 of the Constitution – Rules of Procedure – Council.**
- 4. In relation to the issue of Cabinet Member response times, to include the following as a third bullet point under paragraph 6.8 of Part 12 – Role and Responsibilities of Councillors, applying the provision to all Councillors:**

‘To acknowledge any enquiries normally within four working days of receipt, and provide a substantive response, where required, within ten working days, if possible.’
- 5. To agree that the Constitution as revised should come into effect on 1 December 2010 in order to allow time for the document to be updated and formatted and for the changes to be communicated to all concerned.**

77. Membership of Committees

The Chairman gave Group Leaders an opportunity to make any necessary changes to committee membership in accordance with the allocation of seats to political groups previously approved by the Council.

The Leader of the Council in her capacity as leader of the Conservative group requested approval of the following changes:

Councillor Bridget Wayman - appointed to the Wiltshire and Swindon Fire Authority

Eastern Area Planning Committee:

Cllr Jemima Milton - appointed as a full member

Cllr Jonathon Seed - appointed as a substitute member

Council acknowledged that the Chairman of Eastern Area Planning Committee would be elected at the next meeting of the Committee when if necessary, a Vice-Chairman would also be elected.

Strategic Planning Committee – Cllr Charles Howard appointed as a full member.

Councillor Jon Hubbard as leader of the Liberal Democrat group requested approval of the following changes:

Wiltshire Pension Fund Committee:

Cllr Mark Packard - appointed as a full member

Cllr David Jenkins – appointed as a substitute

Southern Area Planning Committee:

Cllr Peter Colmer and Cllr Petty to be added as substitutes

Councillor Ricky Rogers as leader of the Labour group requested approval of the following change:

Southern Area Planning Committee:

Cllr Rogers appointed as a substitute

Resolved:

That the above membership changes in respect of the Wiltshire and Swindon Fire Authority, Eastern Area Planning Committee, Strategic Planning Committee, Wiltshire Pension Fund Committee, and Southern Area Planning Committee be approved.

Meeting duration: 10.30am – 4.10pm
(which includes adjournments for a presentation and lunch)

Given the time, the Seminar on the Voluntary and Community Sector scheduled to take place on the rising of the Council meeting as mentioned by Chairman under minute no. 63 (g) above would now not take place.

Appendix A – Questions and responses

(Duration of meeting: 10.30 am - 4.10 pm)

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

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