

## COUNCIL

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### MINUTES OF THE COUNCIL MEETING HELD ON 23 FEBRUARY 2010 IN THE COUNCIL CHAMBER, COUNTY HALL, TROWBRIDGE.

#### Present:

Cllr Brigadier Robert Hall (Chairman), 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 Chris Caswill, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Christopher Cochrane, Cllr Peter Colmer, Cllr Linda Conley, Cllr Mark Connolly, Cllr Christine Crisp, Cllr Michael Cuthbert-Murray, Cllr Brian Dalton, Cllr Paul Darby, Cllr Andrew Davis, Cllr Peter Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Peter Doyle, Cllr Rod Eaton, 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 Mike Hewitt, Cllr Alan Hill, Cllr Charles Howard, Cllr J Hubbard, Cllr Keith Humphries, Cllr Peter Hutton, Cllr Tom James MBE, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Simon Killane, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Alan Macrae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Francis Morland, Cllr Christopher Newbury, Cllr John Noeken, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Mark Packard, Cllr Graham Payne, Cllr Stephen Petty, Philipe, 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 Toby Sturgis, 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

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#### 1. Apologies

Apologies for absence were received from Cllrs Carter, Dow, Fogg, Hawker, Hewson, Chris Humphries, Moss, Ody, Parker, Phillips, Soden and Swabey.

#### 2. Minutes of Previous Meeting

The minutes of the meeting held on 1 December 2009 were presented.

#### **Resolved:**

**That the minutes of the meeting held on 1 December 2009 be approved as a correct record and signed by the Chairman.**

### 3. **Declarations of Interest**

The Chairman drew Councillors' attention to the letter of advice from the Monitoring Officer concerning possible interests in the budget and setting of the council tax. Advice had also been given on declaring interests in respect of council garage tenancies when it came to considering the setting of garage as part of determining the housing revenue account.

Cllr Brian Dalton declared a personal and prejudicial interest in respect of the housing revenue account in so far as the setting of garage rents was concerned. Cllr Dalton held a garage tenancies and left the meeting during consideration of that element of the budget.

During discussion of notice of motion no. 8 (minute no. 6 refers), Cllr Rook declared a personal interest in the item in so far as it related to Redland Park by virtue of it being close to where she lived and walked her dog.

Cllr Lay declared a personal interest in this matter by virtue of being a member of the local Community Area Partnership (minute no. 16 (b) refers).

### 4. **Announcements by the Chairman**

#### (a) **Andrew Kerr – New Chief Executive**

On behalf of the Council, the Chairman welcomed Andrew Kerr to this his first meeting of Council.

The Chairman commented that he was confident that Mr Kerr would find his new role challenging as well as interesting and rewarding and looked forward to working with him.

#### (b) **New Years Honours List**

The Chairman was delighted to announce that a number of Wiltshire residents had received national recognition in the New Years Honours list, details of which he read out to the Council. The Chairman congratulated them all noting that many had made a significant contribution to communities within the County.

The Chairman particularly congratulated Cllr Jane Scott, Leader of the Council who was made OBE. The Chairman commented that she had given sterling service to Local Government over many years and had worked remarkably hard to bring about the successful establishment of Wiltshire Council. This was a thoroughly well-deserved national recognition of her achievements.

(c) Royal Visit – St John School and Community College, Marlborough

The Chairman explained that the Vice-Chairman, Councillor Bill Moss' absence was due to the fact he was standing in for him at the formal opening by Her Royal Highness the Duchess of Cornwall of the new buildings at St John School and Community College in Marlborough.

Cllr Chris Humphries was also attending the same function as was Cllr Fogg in his capacity as Mayor of Marlborough.

The Chairman explained that the school now had excellent facilities and the Head Teacher, Dr Patrick Hazlewood and his staff were to be congratulated on their achievement. On behalf of the Council he wished the school every success for the future.

(d) Wotton Bassett Repatriations

The Chairman remarked that all Councillors would be familiar with the dedication with which the people of Wotton Bassett had marked the repatriation of fallen soldiers when each cortege passed through the Town. He reported that this had now received national recognition.

In December 2009, the Mayor and some other citizens of Wotton Bassett responsible for organising the events surrounding each repatriation were invited to visit 10 Downing Street and meet the Prime Minister. They were also invited to the Military Awards – known as 'The Millies' and were presented with an award for 'support to the troops' by HRH Prince William.

Further recognition was given to the Town when their Royal Highnesses the Prince of Wales and Duchess of Cornwall visited Wotton Bassett in January 2010, when the Prince personally thanked the townspeople for all that they did to honour the fallen soldiers on behalf of the people of this Country.

(e) George Batten, Director of Transport, Environment and Leisure

During the course of the meeting, the Chairman reported that this would be the last Council meeting attended by George Batten who was retiring after 30 years service to the Council. The Chairman paid tribute to George's hard work and dedication. George was considered to be very highly thought of across the County and very popular with both staff and Councillors. On behalf of Council, the Chairman wished George good luck in his retirement.

5. **Petition - Preferred Option for Chippenham Under Wiltshire 2026 Plan**

The Chairman reported receipt of two petitions on the same issue, the Preferred Option for Chippenham under the Wiltshire 2026 Plan.

The first petition organised by John Palmer, Peter Humphrey and Kim Stuckey was presented by John Palmer, details of which were presented. Mr Palmer addressed Council on his petition which urged the Council to reconsider its preferred option for Chippenham. He added that if the Council insisted on making provision for housing in Chippenham, it should be in the South of the Town where the road infrastructure already existed and the environmental impact would be lessened.

The second petition was presented by Elizabeth Kennedy with specific reference to the Birds Marsh area. The petition urged the Council to retain the open space for the enjoyment and preservation of wildlife.

There were 2,009 signatories to the petitions collectively.

Cllr Brady, Cabinet member for Economic Development, Planning and Housing responded to the petitions. He explained that the 2026 Plan was in the early stages of examining the responses to the consultation. He assured the petitioners that their representations would be taken seriously and would be considered as part of the responses to the consultation.

**Resolved:**

**That the petition be received and noted referred to Cllr Brady, Cabinet member for Economic Development, Planning and Housing to consider as part of the consultation responses to the 2026 Plan.**

6. **Notice of Motion No. 8 - Wiltshire 2026 Plan - Chippenham - From Councillors Mark Packard and Bill Douglas**

Declaration of interest

During the course of discussion on this item, Cllr Rooke declared a personal interest in this item in so far as it related to Redland Park by virtue of it being close to where she lived and walked her dog.

For the benefit of the petitioners referred to in minute no. 5 above, with Council's agreement, the Chairman varied the order of the agenda to deal with this notice of motion at this point in the meeting.

The Chairman reported receipt of the following notice of motion moved and seconded by Cllrs Packard and Bill Douglas respectively:

*"This Council notes the consultation which has taken place on the 2026 Core Strategy for Chippenham and that these plans are currently in the process of further review. As the success of the Core Strategy depends on the integration of the increased population and the funding of the road infrastructures, this Council requests the Executive rescind the preferred option status which*

*proposes the housing development to the North and East of Chippenham, on the grounds that:*

- 1) *The costing and sourcing of funding for the road infrastructure need further investigation.*
- 2) *The Green-belt land and valleys to the East and North of Chippenham will be devastated and access to the Birds marsh area will be cut off to the townspeople.*
- 3) *Chippenham Vision, an independent organisation established by the Council, have also voiced their serious concerns with regard to this preferred option.*
- 4) *There are other options in the consultation document which have not been sufficiently considered.*
- 5) *No consideration has been given to a geographically distributed option which would enable a gradual development and integration of the increased population over a period of time.*
- 6) *Sustaining the preferred option gives one set of developers an unfair prejudicial advantage.*

*Council is requested to rescind the preferred option until sufficient evidence has been gathered to make a considered decision”.*

Cllr Parker spoke to the motion. The Chairman moved that the motion be debated and this was duly seconded and on being put to the vote, it was

**Resolved:**

**That notice of motion no. 8 be debated.**

The Chairman called on Cllr Brady to open the debate as the relevant Cabinet member before inviting group leaders and then opening the debate to other Councillors.

Cllr Brady referred to his previously circulated statement in which he responded to each of the points raised in the above motion. In the discussion which ensued, the following amendment was proposed by Cllr Crisp and seconded by Cllr Hutton:

*‘That this council notes that a decision has not been made on any option for housing development in the North and East of Chippenham. When such a decision is required, all concerns expressed by residents, now, and in future consultations, will be taken into account.*

*The Council also notes that if a Conservative government is elected this year, it is likely that the Regional Spatial Strategy will be abolished and further powers given to local councils. The council expects such powers will enable local authorities, rather than central government, to determine housing needs in their areas and their location.*

*This Council recognises that no decisions will be made as to the strategic housing sites in and around Chippenham until after the General Election'*

Cllr Caswill raised a point of order in which he deemed the amendment should be ruled out of order as he considered it would have the effect of negating the original motion. On receiving legal advice, the Chairman ruled that the amendment would not negate the original motion and therefore confirmed that he had accepted the amendment.

A lengthy discussion ensued on the amendment. On being put to the vote, the amendment was CARRIED.

#### Recorded vote

A recorded vote having been called for by the requisite number of Councillors, the voting on the amendment was recorded as follows:

For the amendment (57 votes)

Cllrs Beattie, Berry, Brady, Britton, Philip Brown, Bucknell, Burton, Clewer, Cochrane, Conley, Connolly, Crisp, Andrew Davis, Peter Davis, De Rhe-Philipe, Deane, Devine, Mary Douglas, Doyle, Eaton, Fuller, Gamble, Green, Greenman, Griffiths, Groom, Grundy, Hall, Hewitt, Hill, Howard, Keith Humphries, Hutton, James, Johnson, Kunkler, Lay, Macrae, Mayes, Milton, Noeken, Payne, Randall, Ridout, Roberts, Scott, Seed, Smale, Sturgis, Thomson, Tonge, Trotman, Wayman, Westmoreland, Wheeler, While, and Williams.

Against the amendment (29 votes)

Cllrs Allen, Rosemary Brown, Carbin, Caswill, Clark, Colmer, Cuthbert-Murray, Dalton, Darby, Bill Douglas, Hubbard, Jeans, Jenkins, Killane, Knight, Marshall, McLennan, Morland, Newbury, Oldrieve, Helen Osborn, Jeff Osborn, Packard, Petty, Rogers, Rooke, Sample, West and Wright.

Abstentions (Nil)

The amendment became the substantive motion. An amendment was proposed by Cllr Caswill seconded by Cllr Hubbard amending the first line of the now substantive motion to read as follows:

*'This Council regrets that a decision has been made to approve an option for housing development.....'*

On being put to the vote, the amendment was LOST.

The substantive motion was put to the vote and CARRIED and it was therefore

**Resolved:**

**That the following motion be adopted:**

**That this council notes that a decision has not been made on any option for housing development in the North and East of Chippenham. When such a decision is required, all concerns expressed by residents, now, and in future consultations, will be taken into account.**

**The Council also notes that if a Conservative government is elected this year, it is likely that the Regional Spatial Strategy will be abolished and further powers given to local councils. The council expects such powers will enable local authorities, rather than central government, to determine housing needs in their areas and their location.**

**This Council recognises that no decisions will be made as to the strategic housing sites in and around Chippenham until after the General Election.**

7. **Public Participation**

The Chairman reported that there had been no requests for public participation other than the petitions referred to at minute no. 5 above.

8. **Budget 2010/11**

**Declaration of Interest**

Cllr Dalton declared a personal and prejudicial interest in this item in so far as it related to the setting of garage rents as referred to in the proposals concerning the Housing Revenue Account by virtue of the fact that he held a garage tenancy. Cllr Dalton left the meeting during consideration of that element of the budget.

The Chairman explained how he intended to manage the debate on the budget. The Chairman reminded Councillors of the various budget papers which had been previously circulated. In particular, he referred to the various budget reports circulated with the Cabinet agenda dated 11 February 2010 and the recommendations from that meeting, the proposed Council tax resolution for 2010/11, the report from the Joint Overview and Scrutiny Committee dated 16 February 2010 and further information as requested by that Committee. The Chairman explained the order in which he would invite Councillors to speak on the budget.

The Chairman invited Cllr Scott, Leader of the Council to present her budget speech. The Leader emphasised that in her opinion, the budget proposed would protect front line services, give a below inflation tax rise, would put more resources to local communities' stated priorities, make more efficiencies and

would save to invest in further service improvements in the future despite the economic situation. The Leader moved the recommendations on the budget from Cabinet's meeting dated 11 February 2010 to include the following additional proposals:

- That the under spends in the Area Board grants budget be rolled forward from 2009/10 to 2010/11 and
- £100,000 from the headroom be allocated to the highways maintenance budget and £100,000 be allocated to youth projects to be delivered through Area Boards.

The motion was seconded by Cllr Thomson.

The Chairman then invited Cllr Jeff Osborn, Chairman of the Joint Overview and Scrutiny Committee to present the report of his Committee.

Each Group Leader was invited to contribute to the debate on the Budget before opening the debate to other Councillors.

Cllr Rogers noted the high percentage of those who had paid their Council Tax and requested his appreciation to those people be recorded.

Cllr Carbin proposed an amendment, details of which were tabled which was duly seconded by Cllr Jeff Osborn and responded to by the Leader. A discussion ensued on the amendment.

At this point, the meeting was adjourned for lunch and to allow the Chief Finance Officer in his capacity as S.151 Officer to examine the amendment put forward.

#### MEETING ADJOURNED

On reconvening the meeting, the Chairman invited the Chief Finance Officer to give his professional opinion on the amendment. The Chief Finance Officer explained his concerns over the robustness of the proposals put forward for the reasons he outlined to the meeting.

Cllr Jeff Osborn explained that he took the Chief Finance Officer's advice on board and in the circumstances although he stood by the aspirations of the amendment, withdrew it.

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

Councillors requested that a letter be circulated to all staff from Chairman of Council on behalf of Council thanking them for their continued hard work.

Following detailed discussion, it was



**Resolved:**

**To approve the recommendations of Cabinet dated 11 February 2010 as follows with the addition of (1) (c) - (e) below:**

**(1) Revenue Budget Proposals for 2010/11**

- a. That the proposed budget detailed in Appendix 2 (pages 34 – 35 of Cabinet agenda), including the growth items Appendix 4 (page 38) and unavoidable commitments in Appendix 5 (pages 39 – 41), efficiency measures in Appendix 6 (pages 42 – 45) and Fees and Charges Income in Appendix 7 (pages 46 – 47) be approved;
- b. A Council Tax increase of 2.3% (average) with a Band D equivalent of £1,222.43 be approved;
- c. That the under spends in the Area Board grants budget be rolled forward from 2009/10 to 2010/11;
- d. That £100,000 from the identified headroom be allocated to the highways maintenance budget and £100,000 to youth projects delivered through Area Boards and
- e. That the Leader of Council write to HM Treasury, copied to Ministers to press for an explanation of why this authority continued to be poorly funded in comparison to other authorities.

**(2) Capital Programme Proposals 2010/11 to 2012/13**

- a. That the Wiltshire Council Capital Programme for 2010-11 to 2012-13 as shown in Appendix B (page 62) be approved.
- b. The use of additional borrowing of £20.617 million in 2010-11 and £53.164 million over the three years be approved.

**(3) Fees and Charges**

The fees and charges as included in the revenue budget for 2010/11 (pages 72 – 73) be approved.

**(4) Treasury Management Strategy**

- a. The revised CIPFA Code of Practice on Treasury Management in the Public Services be adopted;

- b. **The Prudential and Treasury Indicators (Appendix A – pages 82 – 87) be adopted,**
- c. **The Annual Investment Strategy (Appendix B – pages 88 – 93) be adopted;**
- d. **Authority be delegated to the Chief Finance Officer to vary the amount of borrowing and other long term liabilities within both the Treasury Indicators for the Authorised Limit and the Operational Boundary;**
- e. **The Chief Finance Officer be authorised to agree the restructuring of existing long-term loans where savings are achievable or to enhance the long term portfolio;**
- f. **Agreement be given that short term cash surpluses and deficits continue to be managed through temporary loans and deposits; and**
- g. **Agreement be given 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 short term deposits and delegate to the Chief Finance Officer the authority to select such funds.**

**(5) Housing Revenue Account Budget and Rent Setting 2010/11**

- a. **The HRA Budget for revised 2009/2010 (revised) and 2010/2011 (original) be approved.**
- b. **The increase for dwelling rents in accordance with rent restructuring be approved.**
- c. **The level of increase for garage rents at zero percent be approved.**
- d. **The level of increase for service charges at a maximum of RPI and utility recharges as a maximum £1 per week be approved.**

**Council Tax Resolution**

- (1) **That the following amounts for the year 2010-11 in accordance with The Local Authorities (Calculation of Council Tax Base) (Amendment) Regulations 2003 made under Section 33(5) of the Local Government Finance Act 1992 (“the Act”) be approved:**
  - a) **178,139.4 being the amount calculated by the Council, in accordance with The Local Authorities (Calculation of**

**Council Tax Base) (Amendment) Regulations 2003, as its council tax base for the year;**

- b) Part of the Council's Area (Council Tax Base for each parish)**
- (2) That it be noted the revenue and capital budget proposals for 2010-11 are as approved elsewhere on these minutes (1) & (2) above refer.**
- (3) That the following amounts be now calculated by the Council for the year 2010-11 in accordance with sections 32 to 36 of the Local Government and Finance Act 1992:**
- a) £885,825,288 (Gross Revenue Expenditure including parish precepts) being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act;**
  - b) £552,457,964 (Revenue Income) being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act;**
  - c) £333,367,324 (Net Revenue Expenditure including parish precepts) Being the amount by which the aggregate at 10(a) above exceeds the aggregate at 10(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;**
  - d) £103,244,270 (Total of Revenue Support Grant, share of National Non Domestic Rating Pool and Estimated Balance on the Collection Fund to be refunded to council tax payers) being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates and revenue support grant and increased by the amount of any sum which the Council estimates will be transferred from its collection fund to its general fund pursuant to the Collection Fund (Community Charges) (England) Directions 1994 under section 98(4) of the Local Government Finance Act 1988;**
  - e) £1,291.81 (Wiltshire Council Band D tax plus average parish councils Band D Tax) being the amount at 10(c) above less the amount at 10(d) above, all divided by the amount at 8(a) above, calculated by the Council, in accordance with section 33(1) of the Act, as the basic amount of its council tax for the year as shown below:**

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
861.20	1004.74	1148.27	1291.81	1578.88	1865.95	2153.01	2583.62

- f) £12,360,288 (Aggregate of parish and town council precepts) being the aggregate amount of all special items referred to in section 34(1) of the Act;
- g) £1,222.43 (Band D tax for Wiltshire Council purposes only) being the amount at 10(e) above less the result given by dividing the amount at 10(f) above by the amount at 8(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates as shown below:

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
814.95	950.78	1086.6	1222.43	1494.08	1765.73	2037.38	2444.86

- h) Part of the Council's Area (List of each Parish's Council Band D tax)

That the table at Appendix 1 shows the amounts relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 8(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate;

- (4). That it be noted that for the year 2010-11 the Wiltshire Police Authority has stated the following amounts in precepts issued to the Authority, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
105.18	122.71	140.24	157.77	192.83	227.89	262.95	315.54

- (5). That it be noted that for the year 2010-11 the Wiltshire & Swindon Fire Authority has stated the following amounts in precepts issued to the Authority, in accordance with Section 40 of the Local Government

Finance Act 1992 and Section 83 of the Local Government Act 2003, for each of the categories of dwellings shown below:

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
41.59	48.52	55.45	62.38	76.24	90.10	103.97	124.76

- (6). That, having calculated the aggregate in each case of the amounts at 10(h) 11 and 12 above, the Council, in accordance with section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts shown in the table at Appendix 1 as the amounts of council tax for the year 2010-11 for each of the categories of dwellings shown in the table:-

Part of the Council's Area (List of total tax figures for all bands of property for all parishes within Wiltshire – including Parish, Wiltshire Council, Wiltshire Police Authority and Wiltshire and Swindon Fire Authority elements).

**Appendix 1 to the Minutes - Wiltshire Council Tax Levy 2010-11 By Parish**

9. **Statement of Community Involvement**

Councillor Brady, Cabinet member for Economic Development, Planning and Housing presented the proposed Statement of Community Involvement for Council's approval as recommended by Cabinet at its meeting on 11 February 2010. In proposing the document, Cllr Brady made an alteration at paragraph 5.14 to state '14 days' instead of '21 days'.

The report considered by Cabinet in arriving at its recommendation was presented as background information.

During discussion of this item, a number of points were made which were taken on board by Cllr Brady.

**Resolved:**

- (a) That the Statement of Community Involvement as presented be adopted subject to the following amendments:
- paragraph 5.14 – '21 days' be changed to '14 days';
  - to include reference to the involvement of Area Boards in developing planning policy in the flowchart at diagram 2;
  - under 'How can I comment on a planning application?' from paragraph 5.10 – to include reference to members of the public

being able to express views to their local division member on Wiltshire Council and the Councillors' ability to call in an application.

(b) The document be reviewed when next updated.

(c) That a suggestion be made to the relevant Scrutiny Select Committee to look at how the Statement of Community Involvement could be improved when next updated.

10. **Councillors' Questions**

The Chairman reported receipt of questions from Cllrs Helen Osborn, Jeff Osborn, Clark, Carbin, Oldrieve, Packard, Caswill and Dalton.

Details of the questions and responses given were tabled at the meeting and are attached as **Appendix 2** to these minutes.

Supplementary questions were made in some cases summarised as follows:

Cllr Helen Osborn – youth development as referred to in Briefing Note No. 23 – sought an assurance that Area Boards would be involved in the process and considered that it would have been prudent to consult town councils and local members before a decision is made.

Cllr Gundy confirmed that the whole process could be considered by Area Boards.

Cllr Jeff Osborn – Youth Development as referred to in Briefing Note No. 23 – Asked the Leader if she was happy that a Member Briefing Note was the correct way for the new provisions to be dealt with given that it was in his opinion, a contentious issue.

Leader confirmed that if Area Boards were particularly unhappy with the changes, the Community Area Managers would be happy to discuss it with them. Whilst she appreciated there would be winners and losers, the changes were made to rationalise youth provision services across the County. The Briefing Note was issued as a mechanism to inform Councillors.

Cllr Jeff Osborn – Youth Development and consideration by Children's Services Scrutiny Select Committee in the Autumn – asked whether consideration in the Autumn would not be too late.

In the absence of Cllr Soden, Chairman of the Children's Services Scrutiny Select Committee, the Leader pointed out that it was up to that Committee on managing when it would consider this or any other item of business.

Cllr Clark – housing services as referred to in the Comprehensive Area Assessment (CAA) – asked about the steps being taken to overcome concerns raised by the CAA.

Cllr Brady – explained that the Council’s Housing Strategy was currently being prepared. The Council was currently in the process of recruiting an Empty Homes Officer to overcome some of the concerns raised by the CAA and would review other resources needed within housing. Cllr Brady and Cllr Greenman as Portfolio Holder for Housing were looking at the issue of voids with a view to improving the situation and reducing the number of void properties.

Cllr Clark – SAP – sought information on the gross cost to date of SAP.

Cllr de Rhe Philipe undertook to provide Cllr Clark with a written response.

Cllr Carbin – deadline for submission of questions – Cllr Carbin suggested that the deadline for submission of questions by Councillors should be brought forward to allow for the preparation of responses and their circulation to Councillors in a timely manner.

Cllr Oldrieve – tendering for Children’s Centre provision – asked for reconsideration of the support available to schools on the tendering process.

Cllr Grundy undertook to look at how best the Council could provide the relevant expertise to schools and that he would speak with Cllr Oldrieve following the meeting.

Cllr Packard - Query on Workplace Transformation figures - reference made to £17m but he could only find reference to £11.7 m in page 61 of cabinet agenda for the meeting dated 11 February 2010.

Cllr de Rhe Philipe undertook to provide Cllr Packard with a written response.

Cllr Packard – Cost of borrowing on the Workplace Transformation project – asked how much borrowing was planned for 2010/11.

Cllr de Rhe Philipe explained that the annual borrowing cost stood at £4m which had been included within the costs.

Cllr Caswill – number of professionally qualified environmental health officers – sought clarification on whether the number of posts quoted for 2010/11 related to before or after the reduction of 3 posts from the budget.

Cllr Keith Humphries confirmed that the numbers quoted took into account the reduction in posts.

Cllr Caswill – parking restrictions in Ivy Road, Chippenham – Asked the Cabinet member if he would accept that there was a need to look at Cocklebury Road

given that it was a main thoroughfare and that there was a role for Councillors to give their views as part of the study.

Cllr Tonge confirmed that Councillors views' would be sought via the Area Boards and referred to the parking review as part of the Local Transport Plan.

Cllr Caswill – Anti-social behaviour problems in Bath Road Car Park – this was a sensitive issue and the impression given that such anti-social behaviour was not considered a priority as agreed by the Area Board. Sought the Cabinet member's view on whether or not it would have been better to refrain from intervening until the views of the public were known.

Cllr Tonge reported that he hoped Cllr Caswill would be attending a meeting to be held in due course to discuss this issue.

Cllr Dalton – Parking charges and fines in the Salisbury area – thanked Cllr Tonge for the detailed response. He referred to the resurfacing of Fisherton Street, Salisbury and commented that there were a number of other roads which were also in urgent need of repair.

## 11. **Executive Business**

### Executive Updates

Cllr Keith Humphries, Cabinet member for Health and Wellbeing drew Council's attention to the world's largest corporate health initiative, the Global Corporate Challenge. A Briefing Note giving details of the initiative had been previously circulated to Councillors.

### Cabinet Scheme of Delegation

In accordance with paragraph 9 of Part 7 of the Constitution, Council received a report setting out amendments to Part 3 A of the constitution in relation to the responsibilities of Cabinet members.

The amendments concerned the responsibilities of the member for Waste, Property and Environment and the member for Highways and Transport. The purpose of the changes was to provide clarity as to which Cabinet member has responsibility for some of the previous district council front line services such as public conveniences, litter, cemeteries and markets. The changes also provided clarification on responsibility for the management of open spaces.

The Leader took the opportunity to circulate details of responsibilities assigned to the 13 Portfolio Holders who supported the respective Cabinet members.



**Resolved:**

**That the revised Part 3 A of the Constitution as presented be noted and included in the Constitution.**

c. Area Boards

The Chairman referred Councillors to the letter previously circulated which explained that they could ask questions of a general nature concerning Area Boards under this item, but they must be of a general nature only and not on specific local issues.

No such questions were raised.

12. **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 Groom updated Council on her Committee's consideration of the following matters:

- Development of the new Car Parking Plan;
- Development of the Gypsies and Travellers Strategy;
- The final report from the Waste Task Group which had been working closely with the Executive on developing the transformation of waste collection.

Overview and Scrutiny Management and Resources Select Committee

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

- LGR Appointments Procedure and Staff Harmonisation of Terms and Conditions;
- Business Management Programme and SAP;
- Councillors' ICT provision;
- Local Service Review Task Group (including Area Boards Review) and
- Overview and Scrutiny restructure

Children's Services Select Committee

On Cllr Soden's behalf, Cllr Hubbard updated Council on the Committee's consideration of the following matters:

- Laverstock Academy Project – this would not now go ahead as the necessary signatures were not received to the Expression of Interest. Officers were currently in discussions with the schools regarding a way forward. The Committee would continue to receive updates and may establish a further task group to examine whatever arrangements are agreed;
- Ofsted’s review of children’s services in Wiltshire;
- 2009 Pupil Performance figures;
- The early stages of the review of the Special Educational Needs service;
- Monitored the impact of re-structuring the Social Care Team;
- The work of the Teenage Pregnancy Partnership;
- Implementation of the Common Assessment Framework and Lead Professional;
- The Council’s contracts with Sodexo and
- The White Horse Education Partnership who managed the Council’s three PFI schools.

In the forthcoming months the Committee would be looking at:

- The sustainability of Local Collaborative Partnerships, once funding from Central Government runs out in 2011;
- The new Placements Strategy for Looked After Children, which should increase the number of placements the Council was able to provide in-house;
- The Council’s plans for taking on responsibility for 16-19 learning from the Learning and Skills Council (LSC) on 1 April 2010;
- How to improve the performance of Wiltshire’s Primary Schools; and
- The future viability of Wiltshire’s Small Schools.

### 13. **Minutes of Cabinet and Committees**

- a. The Chairman moved that Council receives and noted the minutes of the following meetings and this was duly seconded by Councillor de Rhe-Philipe.

Cabinet	- 15/12/09, 26/01/10 and 11/02/10
Environment Select Committee	- 12/01/10
Health and Adult Social Care Select Committee	- 14/01/10
Overview and Scrutiny Management and Resources Select Committee	- 21/01/10
Children’s Services Select Committee	- 28/01/10

Special Joint Overview and Scrutiny Committee	- 16/02/10
Eastern Area Planning Committee	- 17/12/09 and 14/01/10
Northern Area Planning Committee	- 14/12/09 and 03/02/10
Southern Area Planning Committee	- 10/12/09 and 28/01/10
Western Area Planning Committee	- 27/01/10
Audit Committee	- 09/12/09
Licensing Committee	- 15/12/09
Officer Appointments Committee	- 14/12/09 and 15/01/10
Standards Committee	- 03/02/10
Strategic Planning Committee	- 16/12/09 and 20/01/10

**Resolved:**

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

- b. The Chairman 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 for their respective meetings.

The following questions were raised:

Environment Select Committee – 12 January 2010  
Minute No. 44 – Waste Scrutiny Task Group Final Report

The Cabinet member for Waste, Property and Environment was asked if he would now be accepting the minority party report and did he accept all of its recommendations. Cllr Oldrieve sought information on the cost of the scrutiny exercise.

Cllr Toby Sturgis explained that he did not accept all of the recommendations. He further added that given the various policies proposed by the different political parties nationally, it would be prudent to await the outcome of the forthcoming General Election. Cllr Osborn undertook to ask the relevant officers to provide Cllr Oldrieve on the cost of the scrutiny exercise.

Strategic Planning Committee – 20 January 2010

Application No. S/2009/1527 – Amesbury: New visitor centre and associated works

Cllr Andrew Davis took the opportunity to thank Councillors for the manner in which they determined this important application. He also took the opportunity to welcome Andrew Kerr, the recently appointed Chief Executive to this his first meeting of Council.

Standards Committee – 3 February 2010

Minute No. 11 – Register of Members' Interests

On behalf of the Chairman of the Standards Committee, Cllr Clark presented and moved the recommendations of the Standards Committee concerning the online publication of the Register of Members' Interests. It was emphasised that this would be on an opt-in basis and that Councillors' interest details would only be published online if Councillors expressly agreed to it.

The report considered by the Standards Committee in arriving at its recommendation was presented as background information. The report stated that the Council's external auditors, as part of the Use of Resources element of the Comprehensive Area Assessment, had recommended the Council to give serious consideration to making the Register available online. This was to provide greater transparency and public accountability.

A discussion ensued during which concerns were expressed by some Councillors on making such information readily available online. An alternate view by some Councillors was that the on-line publication of the Register of Interests should be mandatory upon all Councillors. A proposition to this effect as an amendment was not accepted by the Chairman on the advice of the Monitoring Officer given that in law there was no compulsion in this matter.

The Leader of the Council agreed with the proposal on the basis that Councillors were in public office and sought assurances that information would be updated promptly and details would be removed once a Councillor was no longer in office.

**Resolved:**

**That the following recommendations of the Standards Committee dated 3 February 2010 be adopted:**

- (a) That members and co-opted members of Wiltshire Council may opt into the online publication of their entries in the statutory Register of Members' Interests.**
- (b) That the online version of the Register be redacted to remove copies of signatures.**

14. **Wiltshire Police Authority**

The minutes of the Wiltshire Police Authority meeting held on 3 December 2009 and the report of the Police Authority were received and noted. No questions on these documents had been received from Councillors.

15. **Wiltshire and Swindon Fire Authority**

The minutes of the Wiltshire and Swindon Fire Authority meeting held on 17 December 2009 were received and noted. No questions had been raised by Councillors.

16. **Notice of Motion - No. 9 - Area Boards**

The Chairman reported receipt of the following motion moved by Cllr Caswill and seconded by Cllr Carbin:

'The Wiltshire Area Boards initiative has great potential but six months on there are lessons to be learned and improvements to be made to local delegation. Members should have the chance to debate and recommend improvements, and not be limited to responding to a questionnaire. In that spirit, we propose that Council:

- 1) agrees that the Area Board initiative should be continued.
- 2) recognises that several aspects of Area Board work have already proved successful, for example the regular attendance and positive attitudes of the Council's partners. Board meetings have sometimes been successful in attracting high levels of public participation.
- 3) recognises however that there is some way to go to achieve the stated goal "*to provide a focus for community leadership, local influence and delegated decision making*" (p. 27 of the Area Board handbook). The public will rightly be looking for evidence of actions flowing from Board decisions. Without this there is a serious risk that Boards will lose public interest and support.
- 4) expresses a number of specific concerns, based on experience to date:
  - a) that Board agendas are too tightly managed, which has led to elected members have too little influence over agendas, and Boards sometimes failing to address major local issues.
  - b) that issues have ended up on long lists at Board meetings, often without discussion, and then on a web site which too often simply disposes of issues once officers have had a look at them, without resolution and without the involvement of ward councillors.

- c) that there is still a lack of clarity about the budgets which are allocated to Boards, and the extent to which they are earmarked for community grants, and for allocations to Area Partnerships.
  - d) that the budgets are in any case too small to allow Boards to address community needs.
  - e) that there is a similar lack of clarity about the role of Area Boards in the Council's various consultation processes.
  - f) that the chairing of Area Boards by Cabinet members and Portfolio holders may inhibit open discussion, and may constitute a conflict of interest.
- 5) Notes the ambitions in the Area Board handbook that.....  
*"(Area Boards) must be provided with the power to influence local services and respond effectively to local views"* (Area Board handbook, p.31), and  
*"Area Boards will help councillors develop a meaningful community leadership role"* (Area Board handbook, p.29)  
 .....and recommends to the Cabinet that:
- i. Board budgets are at least doubled in the forthcoming budget process, not by increasing the overall budget but by releasing funds from central departments.
  - ii. the necessary constitutional and other amendments are made to specify delegations to Boards for decisions on the delivery of local services.
  - iii. financial guidelines are produced to make clear that each Board has control over its own budget.
  - iv. guidelines are produced to make clear that Boards have control over their own agendas and all elected members can help set those agendas.
  - v. ward councillor budgets are introduced on an experimental basis, subject to annual reports to the Boards, and accompanied by clear rules. An initial annual allocation of £5000 per councillor is proposed, to be found from within current central allocations.
  - vi. Cabinet members and portfolio holders should not chair Area Boards.

- vii. the handling of the 'issues' process and the involvement of Area Boards in council consultations be referred to Overview and Scrutiny, for their recommendations for improvement'.

Cllr Caswill explained his motion.

The Chairman moved that the motion be debated and this was duly seconded by Cllr de Rhe Philipe and it was

**Resolved:**

**That the motion be debated.**

The Chairman explained that he would call Cllr Thomson as the Cabinet member for Community Services to respond to the motion then invite Group Leaders before opening the debate to other Councillors.

Cllr Thomson responded to the motion and in so doing proposed an amendment, details of which were tabled and this was duly seconded by Cllr Williams.

A discussion then ensued on the amendment.

On being put to the vote, the amendment was CARRIED.

On being put to the vote, the amendment now the substantive motion was CARRIED and it was

**Resolved:**

**That the following motion be adopted:**

**That this Council thanks Councillors Caswill and Carbin for their detailed motion and supporting statements and :-.**

- 1. Agrees that the Area Board initiative should be continued.**
- 2. Recognises that many aspects of Area Board work have already proved successful, for example the regular attendance and positive attitudes of the Council's partners and in attracting high levels of public participation.**
- 3. Recognises that Area Boards already have significant delegated powers as set out on page 31 of the Area Board Handbook and welcomes the Leader's review that will bring forward recommendations to further develop the potential of the Area Boards.**

**4. That in relation to the concerns expressed by the motion, this Council**

**(a) notes that control of agendas rests locally with the Area Board Coordination Group (as set out on page 42 of the Area Board Handbook) but recognises that a balance needs to be achieved between issues generated corporately and those raised locally.**

**(b) agrees that the Community Issues System is an important way for the public to initiate, influence and monitor the progress of local issues and encourages all councillors to play a full part in the resolution of issues referred to the Board in this way.**

**(c) acknowledges that the Area Board handbook on pages 35 and 37 sets out the budgets delegated to the Area Boards in 2010/11 and the arrangements for funding the Community Area Partnerships and notes the recent resolution of the Cabinet (meeting held on 11 February 2010 – Minute 20(a)(d)) and the published intended decision of the Cabinet Member (Delegated decision number (ACCL -001-10) aimed at clarifying the Area Boards Grants process and increasing the local flexibility and discretion of the Boards.**

**(d) notes that in addition to awarding grants, Area Boards were established to influence and shape the mainstream service expenditure of the Council and its partners**

**(e) welcomes the commitments to engage Area Boards in important consultations as set out on page 32 of the Area Boards handbook and requests all officers to ensure that more notice is given of consultations involving the Area Boards so that agenda of area boards can be better managed and local people better engaged.**

**(f) agrees that the election of chairmen and vice chairmen should be a matter for the individual area boards to decide.**

**5. That in relation to the detailed proposals put forward within section 5 of the motion, agrees that these be referred to be considered as part of the Leader's review of area boards with the following comments of the Council**

**(a) in relation to budgets additional funding will be available in 2010/11 and as mentioned in 4(c) there will be increased flexibility for area boards in the management of their budgets.**



**(b) there is a balance to be achieved between locally determined issues and corporate/centrally generated issues.**

**(c) that whilst the contribution of Overview and Scrutiny in developing the area board processes is welcomed, the outcome of the Leader's review of area boards that is currently ongoing, should be awaited.**

17. **Notice of Motion - No. 10 - Naming of Area Board**

Declaration of Interest

Cllr Lay declared a personal interest in this matter by virtue of being a member of the local Community Area Partnership.

The Chairman reported receipt of the following motion moved by Cllr Colmer and seconded by Cllr Hubbard:

'As a result of an issue raised by the Wootton Bassett & Cricklade Area Community, after consultation with stakeholders by the Northern Community Area Partnership, it is recommended to Wiltshire Council that the name of the area board is changed to the Northern Area Board'.

Councillor Colmer explained the background to his motion and urged Councillors to support it.

The Chairman moved that the motion be debated and this was duly seconded by Cllr de Rhe Philipe and it was

**Resolved:**

**That the motion be debated.**

The Chairman explained that he would call Cllr Thomson as Cabinet member for Community Services to respond to the motion before inviting Group Leaders and then opening the debate to other Councillors.

A discussion ensued on the motion.

Cllr Thomson commented that the Area Board should concentrate on dealing with local issues rather than what it should call itself.

On being put to the vote, the motion was LOST and it was therefore

**Resolved:**

**That the motion be NOT adopted.**

18. **Membership of Committees**

The Chairman explained the purpose of this item was to determine any requests from Group Leaders on changes to committee membership in accordance with the allocation of seats to political groups previously approved by the Council. This was to cater for any necessary changes only. Group Leaders would of course be invited to review the membership of committees within their allocation at the Annual Meeting of Council on 18 May as part of the annual review of the allocation of seats on committees.

The Leader of the Council in her capacity as Leader of the Conservative group requested approval of the following changes to the membership of the Appeals Committee in relation to her group:

Remove: Cllrs Payne and Gamble  
Substitutes – Cllrs Randall and de Rhe Philipe

Appoint:: Cllrs P Davis and A Davis  
Substitutes – Cllrs Wayman and Crisp

**Resolved:**

**That the above membership changes in respect of the Appeals Committee be approved.**

19. **Council - Dates of Meetings**

The Chairman invited Council to set the dates of Council meetings for the remainder of 2010.

**Resolved:**

**That Council approve the following dates for meetings of the Council for 2010:**

**18 May (Annual Council)**  
**13 July**  
**9 November**

Appendices

Appendix 1 – Council Tax amounts by area  
Appendix 2 – Questions and responses

(Duration of meeting: 10.30 am - 5.10 pm)

(This included an adjournment for lunch from 12.55pm to 1.55pm)

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

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