

**WEST WILTSHIRE DISTRICT COUNCIL**

**MINUTES**

Minutes of the: **WEST WILTSHIRE DISTRICT COUNCIL MEETING**

Held on: **WEDNESDAY 9 JULY 2003**

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

Present:

Councillors: Clegg, Marion (Chairman), Baker, Barker, Bower, Brice, Brown, Bryant, Burnan OBE, Carbin, Chivers, Clark, Clegg, John, Conley, Cox, Cunliffe-Jones, Davis, Farkas, Fortescue, Hames, Hawker, James, Knight, Manasseh, March, Mounde, Mudge, Newbury, Oldrieve, Osborn, Payne, Phillips, Repton, Rosier, Squires, Swabey, Syme, Viles, Whatley-Gibbs, While and Wiltshire

Also in attendance: Tony Frost, Chair of Standards Committee

Officers: Corporate Officer (Policy), Corporate Officer (Democratic Services), Head of Strategy, Legal Services Manager, Head of Financial Services, Personnel Manager, Member Support Officer (YR)

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**56. APOLOGIES**

Apologies for absence were received from Councillors Batchelor, Blakemore, Lewis and Wells.

**57. MINUTES**

The minutes of the annual meeting held on 14 May 2003 were approved as a correct record and signed by the Chairman subject to the following amendment:

Minute No 49 – Representatives on Outside Bodies – Resolution (ii) the addition of the following wording:

"That these appointments be made for the period between now and the next meeting of Council on 9 July 2003."

**58. OPEN FORUM/QUESTIONS**

The Chair reported receipt of two questions from Councillor Chivers, one for the Leader and one for Councillor Wiltshire as Environment Portfolio Holder. She explained that the question received from Councillor Brice had been received outside the time limit as

laid down in the Constitution. Councillor Chivers then asked his questions to which replies were made.

Note: A copy of the questions and answers are attached as an Appendix to these Minutes.

Note: during the course of the meeting, the Leader responded to the question from Councillor Brice.

### **OPEN FORUM**

David Tout gave an Open Forum presentation in respect of Penleigh Park at Westbury.

Helen Drinkwater gave an Open Forum presentation regarding her wish to see West Wiltshire as a GM Free Zone.

### **59. DECLARATIONS OF INTEREST**

No declarations of interest were made.

### **60. ANNOUNCEMENTS FROM THE CHAIR**

#### **West Wilts Show.**

The Chairman reminded Members that the West Wilts Show was being held in Trowbridge Park on 24 – 26 July. This was a fantastic showcase for West Wiltshire and she urged all Members to try and get involved in some way.

#### **Polish Visitors**

The Chairman announced that a contingent of visitors from our Polish twin Elblag would be visiting West Wiltshire for the West Wilts Show. As well as having a trade stand, a troupe of dancers would also be performing on the Saturday with their Trowbridge counterparts.

#### **Financial Position of the Council**

With the permission of the Chairman of Council, the Leader of the Council reported on the financial position of the Council.

The Leader reported that following the closure of the Council's accounts as at 31 March 2003 and the first quarter monitoring to 30 June 2003, he felt it important to make Members aware of the difficult financial position of the Council. The Council's balances had reduced to £594,000 which was a critical level.

Full details were contained in a report to Cabinet for the meeting on 16 July, 2003, but he undertook to write to Members to update them on the position.

It was noted that a Cabinet/ Corporate Team away day would be held to review the financial position and consider current activities and corporate objectives.

**61. URGENT BUSINESS**

There was no urgent business.

**62. RECOMMENDATIONS FROM CABINET**

**(a) Making Contact**

Councillor Payne as Portfolio Holder presented the Making Contact Strategy for adoption by Council. It was noted that Cabinet had endorsed the Strategy and Improvement Plan at its meeting on 9 April 2003 and recommended them to Council for adoption.

The Making Contact Strategy was the result of a cross cutting Best Value Review which examined how the Council interacted with its customers, face to face, electronically, in print and by telephone. The Improvement Plan was the main part of the Strategy and provided a way forward. The Improvement Plan set out key areas of work needed to address issues on customer care and to develop policies so that the Council could deliver the best possible service to its customers.

During the course of discussion on this item, a proposal was moved and seconded that in future, reports should be no longer than 10 pages in length, however, this proposal was subsequently withdrawn. A further proposal was moved and seconded that the Making Contact Strategy be adopted and that given the financial constraints of the Council, no relocation of the District Council offices be made within the lifetime of this Council. Some Members commented that whilst they were in agreement with adopting the Strategy, they disagreed with the other aspect of the motion regarding the relocation of the Council Offices. A separate vote therefore taken on the following motion:

That given the Council's financial constraints, there should be no relocation of the District Council offices within the lifetime of this Council.

On being put to the vote the motion was CARRIED and a recorded vote having been requested, the voting was recorded as follows:

**FOR THE MOTION (20)**

Councillors Baker, Bower, Burnan, Clegg J, Clegg M, Conley, Davis, Fortescue, Hawker, Knight, March, Mounde, Mudge, Payne, Phillips, Swabey, Viles, Whatley-Gibbs, While, Wiltshire.

**AGAINST THE MOTION (18)**

Councillors Barker, Brice, Brown, Bryant, Carbin, Chivers, Clark, Cunliffe-Jones, Farkas, Hames, James, Manasseh, Oldrieve, Osborn, Repton, Rosier, Squires, Syme.

**ABSTENTION (1)**

Councillor Newbury

A proposal was moved and seconded to adopt the Strategy incorporating the above motion. It was therefore

**RESOLVED:**

- (i) That the Council notes the way in which the outcomes of the inspection report contained in Section 2 of the report presented had been incorporated.**
- (ii) That Council adopts the Making Contact Strategy and Improvement Plan.**
- (iii) That given the financial constraints of the Council, there would be no relocation of the District Council offices within the lifetime of this Council.**

**(b) Boundary Changes to Area Committees**

The Legal Services Manager presented the results of consultation on changes to the Area Committee boundaries. It was noted that as a result of the changes made by the Boundary Commission, North Bradley now fell within the district ward of Dilton Marsh. Historically North Bradley had always been represented by the Central Area Committee but the Dilton Marsh Ward was of course mainly in the Southern Area.

This matter had been discussed at Council at its meeting on 19 February 2003 when changes were agreed to the Constitution to reflect the new boundary arrangements. It was however agreed at that meeting that any concerns be referred to the Standards Committee to ensure that any decisions made were perfectly proper decisions of the Council to take. The matter was considered by the Standards Committee, which agreed to consult the Parish Councils on the change made by this Council. The Legal Services Manager reported on the outcome of the consultation. It was noted that North Bradley Parish Council's view was that it should be represented by the Central Area Committee. Cabinet had also considered the issue on 18 June when it had considered that the Standards Committee's recommendation that no district ward should fall within two Area Committees was laudable but could not be followed in light of the comments from North Bradley Parish Council. It also considered that the Dilton Marsh members should, as requested, have voting rights only in respect of matters concerning North Bradley.

**RESOLVED:**

- (i) That the Council decision of 19 February 2003 be confirmed.**
- (ii) That the Standards Committee be thanked for its recommendation on wards which fall into two Area Committees but not implement it because of the views expressed by North Bradley Parish Council.**
- (iii) That Dilton Marsh Councillors to have the right to vote on matters which concern North Bradley.**

**(c) Corporate Enforcement Policy**

The Legal Services Manager presented the Corporate Enforcement Policy for the Council's adoption following recommendation by Cabinet at its meeting held on 18 June

2003. It was explained that the policy had been drawn up in order to provide greater consistency across the Council services.

**RESOLVED:**

**That the report presented be noted and that the Corporate Enforcement Policy be approved.**

**63. RECOMMENDATIONS FROM THE STANDARDS COMMITTEE**

The Legal Services Manager presented a report, which set out details of recommended changes to the Constitution as recommended by the Standards Committee. The changes suggested were in respect of Notices of Motions and Minutes.

In respect of Notices of Motion, presently Notices of Motions could only be debated at Council with the agreement of the Chairman and Leader. The Standards Committee recommended a special category of Notices of Motions, which must be debated at Council, namely Minority Group Notices of Motion. However, it was considered that in order to prevent Minority Group Notices of Motions being used to dominate Council business, the Standards Committee recommended that there should be an upper limit on how many each group could move per year. The Standards Committee was asked to look at the limit again because its initial recommendation was felt to be too low by Council. In reconsidering the issue, the Standards Committee increased the upper limit from eight to sixteen which would be divided in a politically balanced way. Based on the current political make up of the Council this would give two to the Independent Group, two to the Labour Group and twelve to the Liberal Democrat Group.

In considering the views of the Standards Committee, Council felt that there should be no upper limit on the number of Minority Group Notices of Motions.

In respect of minutes, the Standards Committee considered that a rule should be inserted into the Constitution to reflect the current practice of noting minutes of member bodies at Council meetings. Council approved the insertion of a note to that effect into the Constitution.

**RESOLVED:**

**That the proposed changes to the Constitution as set out in Appendix 3 of the report presented be incorporated into the Constitution subject to there being no upper limit on the number of Minority Group Notices of Motions being submitted.**

**64. TOWN/PARISH COUNCIL REPRESENTATIVES ON STANDARDS COMMITTEE**

The Legal Services Manager presented a report, which invited Council to appoint one Town Council representative and one Parish representative to the Standards Committee. It was noted that all Town and Parish Councils had been invited to nominate a candidate. In respect of the Town representative, only one nomination was received in time, namely from Warminster Town Council. It was noted that due to a misunderstanding, Westbury

Town Council had not submitted a nomination even though it had resolved to do so. Council was therefore asked whether or not it should accept the late application from Westbury Town Council.

In respect of the Parish representative, two applications had been received and a postal ballot was held. The result of the ballot was as follows:

Robert Oglesby from Semington Parish Council – 14 votes  
Horace Prickett from North Bradley Parish Council – 16 votes

**RESOLVED:**

- (a) **That the late application from Westbury Town Council be not accepted and therefore Councillor William Parks from Warminster Town Council be appointed as the Town Council representative on the Standards Committee to serve for one year.**
- (b) **That Horace Prickett from North Bradley Parish Council be appointed as the Parish Council representative on the Standards Committee to serve for 2 years.**

**65. AMENDMENTS TO CONSTITUTION: DEVELOPMENT CONTROL AND LICENSING FUNCTIONS**

At Annual Council at its meeting on 14 May 2003, Council considered a proposal by the Independent Group that the regulatory functions, ie planning and licensing should be transferred from the three Area Committees to a new single district wide Planning and Licensing Committee. Council resolved to note the paper submitted by the Independent Group and requested officers to prepare a report on the proposals contained therein to this Council meeting. It also agreed to form a small group of Members to assist in the project and to defer consideration of further changes proposed by the Independent Group to this meeting.

On 5 June 2003, the Corporate Officer (Democratic Services), Head of Regulatory Services and Legal Services Manager met with Councillors Mounde and Newbury to discuss the proposals. The Legal Services Manager presented a report regarding the possible creation of a single committee to determine Planning and Licensing applications. The report presented recommended changes to the Constitution based on the outcome of that meeting.

A discussion then ensued on the recommendations in the report, in particular the size of the new Planning and Licensing Committee and how the Chairman and Vice Chairman should be elected. It was proposed that the new Planning and Licensing Committee should commence on 31 July 2003, operating on a three weekly cycle. It was proposed that any applications previously considered by Area Committees and referred to the Regulatory Committee, (which would cease under the proposals) would be submitted to the new Planning and Licensing Committee. A revised programme of meetings was circulated which proposed bi monthly Area Committee meetings.

It was moved and seconded that the proposals should be deferred pending consultation with town and parish councils and to allow the administration more time to firm up its proposals.

The following amendment was then moved by the Leader of the Council and seconded:

- (a) Council establishes a Planning and Licensing Committee, with the necessary changes to be implemented in accordance with the transitional arrangements contained in the officers' report.
- (b) The changes to the Constitution contained in Appendix 3 of the report are approved, subject to the amendments to Section 9.2 in Appendix A to achieve a size for the Committee of between 12 and 24 members.
- (c) Council recommends strongly to the political groups that only those members who have received training on how to decide planning matters should be members of the Planning and Licensing Committee.
- (d) The programme of future meetings of the Planning and Licensing Committee (as Circulated at the meeting) be approved.
- (e) The Council is requested to appoint the Chairman and Vice-Chairman of the Planning and Licensing Committee after consideration of item 13 on the present agenda - Political Balance (minute no. 68 refers)

A vote was then taken on the main motion to defer consideration of this matter for consultation with town and parish councils and to allow the administration more time to firm up its proposals. On being put to the vote, the motion was LOST and a recorded vote having been requested, the voting was recorded as follows:

**FOR DEFERRAL (15)**

Councillors Barker, Brice, Brown, Bryant, Carbin, Chivers, Cunliffe-Jones, Farkas, Hames, James, Oldrieve, Osborn, Repton, Swabey, Syme.

**AGAINST DEFERRAL (25)**

Councillors Baker, Bower, Burnan, Clark, Clegg J, Clegg M, Conley, Davis, Fortescue, Hawker, Knight, Cox, Manasseh, March, Mounde, Mudge, Newbury, Payne, Phillips, Rosier, Squires, Viles, Whatley- Gibbs, While, Wiltshire.

The amendment (items (a) to (e)) above was put to the vote and CARRIED. During the course of discussion the following suggestions were accepted:

That at the end of the section at 9.3.1 the following words be added that "Where a meeting is cancelled or meeting date changed notice be given to Members."

At 4.5.2 delete reference to the Planning and Licensing Committee.

To elect the Chairman and Vice-Chairman of Standards Committee at Annual Council. The Planning and Licensing Committee select its own Chairman and Vice-Chairman at its first meeting. The Chair should not be a member of the administration.

**RESOLVED:**

**That the items listed in (a) to (e) above be approved.**

Note: Recorded Votes

Councillors Barker and Chivers requested that their votes against the above decision be recorded.

During the course of the meeting, it became apparent that the accepted suggestion regarding how the Chairman and Vice Chairman of the Planning and Licensing Committee should be elected was in direct conflict with the proposals agreed by Council which stated that the Chairman and Vice Chairman of the Planning and Licensing Committee should be elected by the Council (see (e) above).

In the circumstances, Council was invited to take a fresh vote on this particular issue to clarify the position. In response to a question from a Member, the Legal Services Manager could not give a categorical assurance that voting on the matter again was lawful. Councillor Payne therefore suggested that in the absence of categorical legal advice, the first meeting of the Planning and Licensing Committee scheduled for 31 July should be asked to elect a Chairman and Vice-Chairman for that meeting and subsequent meetings and to resolve the issue at the next Council meeting on 10 September 2003. On being put to the vote, this was CARRIED, It was therefore

**RESOLVED:**

**That the Planning and Licensing Committee be asked to elect a Chairman and Vice-Chairman at its first meeting on 31 July 2003 and at each subsequent meeting and that the matter be reconsidered at the next Council meeting on 10 September 2003.**

**66. THE FUTURE OF AREA COMMITTEES**

The Corporate Officer (Democratic Services), presented a report, which asked the Council to consider the future of Area Committees. Having now agreed earlier in the meeting to transfer the regulatory functions to a new Planning and Licensing Committee, there were relatively few decision making functions left, namely agreeing grants. The main function of Area Committees was always intended to be the Council's interface with its community groups and local councils. Planning applications had taken the majority of Area Committees' time and been the major focus of their work. Moving planning away from the Area Committees would give the Council an opportunity to review how it interacted with its community groups and its local councils. It was suggested that the Council should consult with its local councils and community organisations as to what forum would work best for them.

It was also suggested that this Council should use this opportunity to ask these organisations what they thought of the decision to transfer the regulatory functions from Area Committees to a new Planning and Licensing Committee, however, this was not agreed.



**RESOLVED**

**That the Council consult with community groups and local councils on the best way of communicating with them, supporting them and co-ordinating the Council's work.**

**NOTE: Vote to continue.**

At this point a vote was taken to continue with the meeting in accordance with the Constitution.

**67. AMENDMENTS TO THE CONSTITUTION: SIZE OF COMMITTEES**

Council considered a report which sought Council's views on whether the size of politically balanced committees should be fixed or flexible.

Councillor Newbury presented the Independent Group's proposals summarised as follows:

Each Overview Committee - between 7 - 12 members.  
Planning and Licensing Committee - between 12 - 24 members.

Details of the changes needed in the Constitution to reflect the above were presented.

**RESOLVED:**

**That the size of Committees be approved as detailed above and that the consequential changes in Appendix A of the written proposals from the Independent Group be approved.**

**68. POLITICAL BALANCE**

Council received a revised proposal submitted by Councillor Newbury on behalf of the Independent Group.

**RESOLVED:**

- (a) **That Council appoints a Planning and Licensing Committee of 23 Members, an External Overview Committee of 11 members and an Internal Overview Committee of 10 members and allocates the following seats on these Committees to it's political groups and it's ungrouped member:**

Committees	Con	Lib Dem	Ind	Lab	Cllr Syme	Total
Planning & Licensing	10	10	2	1	0	23
External Overview	5	5	1	0	0	11
Internal Overview	4	4	0	1	1	10
Totals	19	19	3	2	1	44

- (b) **Each political group is requested to notify it's appointments to places allocated to it.**

**69. NOTICES OF MOTION**

Council received the following Notices of Motion submitted in accordance with the Constitution:

- (a) **No 4 – Voluntary Identification Scheme – Cllrs Chivers and Barker**

“In an effort to improve community safety within the West Wiltshire area. This Council investigates the possibility of a voluntary identification scheme for all candidates taking part in elections within West Wiltshire during the election period.”

Councillor Chivers indicated that given the lateness of the hour, he was prepared to defer consideration of the above motion to the next meeting.

**RESOLVED**

**That the above notice of motion be deferred until the next meeting.**

- (b) **No 5 – Aberdeen City Council/Chewing Gum Proposals – Cllrs James and Chivers**

“That this Council supports the following motion being proposed by Aberdeen City Council in its efforts to rid the streets of the unsightly mess of chewing gum which states:

That this Council calls on her Majesty’s Government to consider introducing a levy on chewing gum manufacturers, the proceeds of which should be redistributed in full to local authorities in order to help Councils deal with the massive and costly problem of removing gum from our streets and pavements.”

**RESOLVED**

**That the above motion be referred to the appropriate Executive Committee of the Local Government Association.**

**70. REPRESENTATIVES ON OUTSIDE BODIES**

At the last meeting of Council, it was agreed to renew appointments through nominations by Group Leaders. The Chairman reported that the majority of appointments had been filled in this way and Council was asked to confirm the appointments listed in the schedule presented, subject to the following amendments:

No 9 – West Wiltshire Enterprise – Councillor Phillips to be appointed in view of the fact that he was the representative on the West Wiltshire Economic Partnership.

No 17 – Local Government Association – General Assembly. There was in fact only one position, which would be filled by Councillor Phillips as Leader of Council.

No 47 – Wiltshire Historic Buildings Trust – Councillor March instead of Councillor Repton.

No 55 – Bradford on Avon Youth and Community Centre Support Group – Councillor Brown had volunteered to fill this vacancy.

Volunteers were sought to fill the four vacancies on the Trowbridge Sports Centre Management Body.

### **RESOLVED**

**That the lists of appointments as presented and as amended above be confirmed.**

Agreement had not yet been reached on filling a number of appointments and Council was therefore asked to decide on these appointments.

### **RESOLVED**

**That the appropriate Group Leaders be asked to agree on the appointments.**

## **71. REPORTS FROM MEETINGS**

<b>Meeting</b>	<b>Date</b>	<b>Minute No's</b>
Northern Area Committee	24/04/03	36 - 46
Northern Area Committee	14/05/03	47 - 49
Northern Area Committee	12/06/03	50 - 64
Central Area Committee	14/05/03	56 - 57
Central Area Committee	05/06/03	55 - 67
Central Area Committee	26/06/03	68 - 81
Southern Area Committee	14/05/03	40 - 42
Southern Area Committee	05/06/03	43 - 54
Cabinet	28/05/03	75 - 88
Cabinet	18/06/03	89 - 101

Councillor Osborn asked if the Council had been approached by a developer regarding the disposal of the multi storey car park. The Leader replied that he had no knowledge of any such approach but he would check with the Chief Executive and reply to Councillor Osborn.

Internal Overview Committee	04/06/03	31 - 42
External Overview Committee	28/05/03	23 - 35

Minute No 32 – Councillor Cunliffe-Jones as Chair of the External Overview Committee explained that although this minute was factually correct in recording that the Committee had noted that it could hold extra meetings, having had further clarification from the Corporate Officer Democratic Services, she reported that the Overview Committees were in fact limited to holding six meetings per year.

Standards Committee

11/06/03

14 - 23

NOTE – Amendments to minutes – A number of amendments to the above mentioned minutes were highlighted which would be corrected when the minutes were presented to the next meeting of the member body concerned.

**72. CABINET FORWARD WORKPLAN**

The Leader presented the Cabinet Forward Workplan for the period of July to November 2003. He pointed out that the latest version of the workplan had been included in the Cabinet agenda dated 16 July.

**RESOLVED**

**That the Cabinet Forward Workplan July – November 2003 be received and noted.**

**73. EXCLUSION OF PRESS AND PUBLIC**

That under S100A (4) of the Local Government Act 1972 the public including the press be excluded from the meeting during the following item of business on the grounds that it was likely in view of the nature of business to be transacted or the nature of proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information as described in paragraph 1 of Schedule 12A to the said Act.

**74. CHIEF EXECUTIVE – CONTRACT OF EMPLOYMENT**

The Personnel Manager presented a confidential report in which she reported the recommendations of the Panel which was set up at the last Council meeting to deal with the Chief Executive's Contract of Employment.

**RESOLVED: That the recommendations of the Panel be approved as follows:**

- (a) That by mutual agreement no further contract of employment be entered into beyond 31 March 2004 and that the Chief Executive's pensionable service be enhanced by 2 years 237 days.**
- (b) To enhance pensionable service relating to his post of Returning Officer by 2 years 237 days.**
- (c) Given that:**
  - (i) the Conservative group had allocated one of their seats to Councillor Phillips for the Independent group; and**

**(ii) the Liberal Democrat group had allocated one of their seats to Councillor Manasseh for the Labour group;**

**the Council establishes a panel of four consisting of Councillor Barker, Councillor Manasseh, Councillor Mounde and Councillor Phillips with the following terms of reference:**

- **agree the terms and conditions of employment for a new Chief Executive;**
- **oversee the recruitment and selection process;**
- **interview the short listed candidates; and**
- **recommend to Council the appointment of a suitable candidate.**

The date of the next scheduled meeting of Council was 10 September 2003 to be held in the Council Chamber at the Council Offices, Bradley Road, Trowbridge, commencing at 7pm.

**(7.00pm - 11.40pm)**

These minutes were prepared by Yamina Rhouati, Member Support Officer who can be contacted on direct line 01225 770322 or email [yrhouati@westwiltshire.gov.uk](mailto:yrhouati@westwiltshire.gov.uk)