

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

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

Held on: **WEDNESDAY 10 SEPTEMBER 2003**

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

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

Also in attendance: Keith West (Vice-Chairman of Standards Committee)

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

75 APOLOGIES

Apologies for absence were received from Councillors Farkas, Payne and Repton.

76 MINUTES

(i) Minutes of the meeting held on 9 July 2003

The minutes of the meeting held on 9 July 2003 were approved as a correct record and signed by the Chairman subject to the following amendments:

Minute number 65– Amendments to Constitution: Development Control and Licensing Functions.

The second line of the paragraph immediately following the recorded vote to include the following wording in italics:

“During the course of discussion *some members believed that* the following suggestions were accepted”

and the first line of the third paragraph following the first resolution:

“accepted” to be replaced by “proposed”

A recorded vote was requested on the above motion, and the voting was as follows:

FOR THE MOTION (21)

Councillors Baker, Bower, Burnan, Clark, John Clegg, Marion Clegg, Conley, Davis, Fortescue, Hawker, Knight, March, Mounde, Mudge, Newbury, Phillips, Swabey, Viles, Whatley-Gibbs, While and Wiltshire.

AGAINST THE MOTION (19)

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryan, Carbin, Chivers, Cunliffe-Jones, Hames, James, Lewis, Manasseh, Oldrieve, Osborn, Rosier, Squires, Syme and Wells.

ABSTENTION (1)

Councillor Cox.

It was also agreed that the following suggestion made by Councillor Hames at the meeting on 9 July 2003 be incorporated into the consultation on the future of area committees:

“Consult on options for giving new delegated powers to area committees in place of regulatory functions”

(ii) Correction to the minutes of 14 May 2003

RESOLVED: That the minutes of the meeting of 14 May 2003, approved and signed by the Chairman on 9 July 2003, be amended as follows to correct an inaccuracy subsequently discovered:

Minute number 50 - Recommendation from Cabinet

Best Value Performance Plan

- "RESOLVED:
- (a) That any comments or changes to the Best Value Performance Plan 2003/04 be offered.
 - (b) That the draft Best Value Performance Plan 2003/04 be adopted.
 - (c) That officers, in consultation with the Leader, make changes and additions to the plan up until the date of publication to ensure that it meets the requirements of the relevant legislation and contains up to date information."

77 OPEN FORUM/QUESTIONS

The Chairman reported receipt of questions from Councillor Osborn to the Leader and Councillor Mounde as the Economic Development and Housing Portfolio Holder,

from Councillor Clark to the Chairman of Area Committees, and from Councillor Chivers to the Chairman of Council, the Leader and Councillor Wiltshire. A copy of the questions and answers is attached as an appendix to these minutes.

Councillors Osborn and Chivers asked supplementary questions which were answered by the relevant Member.

In respect of Councillor Chivers's question referring to the amount of settlement made to Rentokil, the Leader passed a cheque for £20.00 to the Chairman to pay for the cost of the plants.

Note: There were no open forum presentations.

78 DECLARATIONS OF INTEREST

Minute number 82 - Health Scrutiny – Councillor Cox declared his personal interest in this item.

79 CHAIRMAN'S ANNOUNCEMENTS

a) John Wesley

The Chairman referred to former Council Chairman John Wesley who had died in France at the end of August. She had sent a card on behalf of the Council to his widow Selina and the Leader had also sent a personal letter. A memorial service for John would be held at St Michael's Church in Melksham at 12.00 noon on Friday 24 October 2003.

b) Planning Training

The Chairman reminded Members that planning training had been arranged for Monday 22 September with a repeat session on Tuesday 23 September. Each session would be held in the Council Chamber starting at 6.15pm with a buffet at 5.45pm. She requested that Members inform Claire Dancer which session they would be attending in order to cater for the right numbers.

c) Comprehensive Performance Assessment (CPA)

The Chairman informed Members that the next briefing would be on the 29 September 2003 and that everyone was requested to attend if possible.

d) Special Meeting of Council 19 November 2003

Members were informed that a special Council meeting would be held on the 19 November to formally appoint a new Chief Executive. The meeting would start at 6.30pm, last approximately 30 - 45 minutes, and Cabinet would meet on the rising of Council.

80 **NEW VISION, PRINCIPLES AND CORPORATE PRIORITIES OF THE COUNCIL**

The Leader presented a report seeking Council's approval of a new vision, principles and corporate priorities for the Council.

The Cabinet had been working with officers to develop a clearer focus for the Council's work. Together with the Corporate Team it had looked at consultation results, statistics and information which described the district, what the Government required the Council to do, and the medium and long term financial situation.

Members noted that there were seven specific priority areas. The intention in choosing these areas was to help the Council focus its resources on those areas which were important to its community, the Council and accorded with national priorities. Because the objectives were more specific than the previous four objectives it would help Members and officers with service and budget planning in the future.

Members felt that further consultation with Members, stakeholders and the public would be valuable. More detail should be included in respect of sustainability, Agenda 21, community planning, risk assessment and Best Value.

RESOLVED: **That approval of the Council's New Vision, Principles and Corporate Priorities be deferred for further consultation with members and stakeholders and a report be brought back to the next meeting of Council.**

81 **RECOMMENDATION FROM THE STANDARDS COMMITTEE**

Determination of Complaints against Members

Following legislation passed in June of this year the Standards Committee had power to determine complaints about Members which had been referred to it by the Standards Board for England.

Keith West, Vice Chairman of the Standards Committee, presented a report asking Council to approve the procedures for the Standards Committee in determining such complaints.

At its last meeting the Standards Committee considered a report recommending changes to procedures in the Constitution for handling complaints. The Legal Services Manager had written to all Councillors with a copy of the proposed new procedures and he had also summarised how they would work in practice.

The Standards Committee had recommended that the new procedure be adopted and had already adopted the working guideline itself.

Members felt that they could not support the proposed new procedures as they were concerned about the publicity attached to the process, the cost of legal advice and the possibility of wrongful accusations.

RESOLVED: That the matter be referred back to the Standards Committee for a fuller report giving the changes to the Constitution and the further options available.

82 HEALTH SCRUTINY

The Legal Services Manager presented a report requesting Council to create a new joint committee to exercise the health scrutiny function.

The County Council was responsible for scrutinising planning provision of the health services. It had been working with all the District Councils and health providers in Wiltshire to develop a mechanism to carry out that role. The proposal was to create a Joint Health Overview Committee consisting of:

- Four District Councillors
- Four County Councillors
- Two representatives from Patients' Groups

The Joint Committee would be chaired by the District Council and would focus on issues affecting residents of West Wiltshire. The Joint Committee should be politically balanced, but to avoid the complexity of balancing the Committee it was proposed that these rules be put aside. The Group Leaders had been asked to nominate a representative from each of their groups to sit on the Committee.

The County Council would also create an Overview Committee to scrutinise provision of services at a County wide level. It would include a representative from this Council and this should be the Chairman of the new Joint Committee.

As the Joint Committee would consist of representatives from other organisations a programme of meetings had not yet been proposed. Instead the report recommended that the Legal Services Manager be given delegated authority to settle meeting dates in consultation with the Chairman of the Committee, the County Council and patients' groups.

RESOLVED:

- (a) That a joint Health Overview Committee be created**
- (b) That the draft section attached at Appendix 1 of the report presented be inserted into the Constitution.**
- (c) That the consequential changes at Appendix 2 of the report presented be made to the Constitution.**
- (d) That the Joint Committee be politically balanced.**
- (e) That the Chairman of the new joint Health Overview Committee be the Council's representative on the County Council's Health Overview and Scrutiny Committee.**

- (f) That the Legal Services Manager be given authority to negotiate for the power to refer issues directly to the Secretary of State.
- (g) That the Legal Services Manager prepares a programme of meetings in consultation with the Chairman and Wiltshire County Council and the patients' groups.
- (h) That Councillors Carbin, Cunliffe-Jones, March and Mudge be appointed to the Joint Committee.
- (i) That Councillors Cunliffe-Jones and Carbin be appointed Chairman and Vice Chairman respectively of the joint Health Overview Committee.

83 LICENSING COMMITTEE

The Legal Services Manager presented a report proposing the creation of a new Licensing Committee to exercise the Council's functions under the Licensing Act 2003. Council was also requested to appoint the Chairman of the Committee.

Under the Act the Council would take over liquor licensing and other licensing regimes, such as public entertainment licences, would be streamlined to make the whole process of licensing premises simpler.

The legislation required the Council to adopt new policies and procedures. Clearly it was important that Members were involved and the report had been brought to Council so that a Licensing Committee could be established to help steer the process.

As yet the Government had not published the statutory guidelines which would have to be followed when implementing the Act, and it was not certain when the legislation would be brought into force. Both factors clearly influenced when the Committee needed to meet so no programme of meetings had yet been settled. The report asked that delegated authority be given to the Legal Services Manager in consultation with the Chairman of the Committee and the Principal Environmental Officer (Food Safety) to set a programme of meetings.

RESOLVED:

- (a) That a new Licensing Committee be established to prepare for the implementation of the Council's functions under the Licensing Act 2003.
- (b) That the new Licensing Committee exercises the Council's existing licensing functions until the new legislation is implemented, and that the Constitution be changed accordingly.
- (c) That the Licensing Committee be politically balanced and have 10 places allocated as follows:

Liberal Democrat	Cons	Independent	Labour	Ungrouped
4 (4.32)	4 (4.32)	1 (0.68)	1 (0.46)	0 (0.23)

- (d) **That in due course, officers report to the Licensing Committee detailing:**
 - (i) **the Committee’s exact terms of reference, functions, membership and procedures;**
 - (ii) **a scheme of transitional arrangements for the transfer of the Council’s existing licensing functions to the new Committee**
- (e) **That the Legal Services Manager prepares a programme of meetings in consultation with the Chair and the Principal Environmental Officer (Food Safety).**
- (f) **That Group Leaders tell the Legal Services Manager who will serve on the Licensing Committee.**
- (g) **That Councillor Burnan OBE be elected Chairman of the Licensing Committee.**

85 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”

This motion was scheduled for consideration on 9 July 2003 but due to the lateness of the hour, Councillor Chivers agreed to defer consideration to this meeting.

RESOLVED: That Notice of Motion 4 be referred to Cabinet for consideration.

- (b) **No. 6 – Voluntary Code – Cllrs Chivers and Barker**

“In line with best practice members of this Council are invited to sign a voluntary code of conduct requiring them to respond to all correspondence with 10 working days of receipt whenever possible”.

It was moved and seconded that the above Notice of Motion be referred to the Standards Committee. On being put to the vote the motion was LOST and a recorded vote having been requested, the voting was as follows:

FOR THE MOTION (14)

Councillors Barker, Batchelor, Brice, Brown, Bryant, Chivers, Cox, Cunliffe-Jones, Hames, Oldrieve, Osborn, Rosier, Syme and Wells

AGAINST THE MOTION (20)

Councillors Baker, Blakemore, Bower, Burnan, Clark, John Clegg, Marion Clegg, Conley, Davis, Fortescue, Hawker, Knight, March, Mounde, Newbury, Phillips, Swabey, Viles, Whatley-Gibbs and Wiltshire

ABSTENTIONS (3)

Councillors Mudge, Squires and While

(c) No. 7 – West Wilts Matters – Cllrs Newbury and Clark

“With a view to achieving savings, Council agrees that “West Wilts Matters” should include appropriate advertising and that its printing, publication and distribution should be put out to tender”

RESOLVED: That Notice of Motion 7 be referred to Cabinet for consideration.

(d) No. 8 – Referendum of European Constitution – Cllrs March and Burnan OBE

“That this Council notes the proposed European Constitution being prepared by the European Convention will have huge implications for West Wiltshire District Council. The Constitution will give the European Union ‘shared competence’ over home affairs, transport, energy, social policy, economic and social cohesion, consumer protection and the environment, meaning overall more legislation and guidance binding on local government will be decided at a European rather than a national level

That given the Government has used referendums to approve other constitutional change affecting local and national Government, including establishing regional assemblies and directly-elected mayors, this Council believes the people of West Wiltshire should be able to have their say on these constitutional changes in a referendum.

This Council therefore resolves to make a formal written submission to the Prime Minister, supporting calls for a national referendum on the proposed European Constitution.”

RESOLVED: That Notice of Motion 8 be adopted subject to the following amendment:-

first paragraph second line 'huge' to be replaced with 'major'

86 URGENT BUSINESS – REPORTING BACK

There were no items of urgent business.

87 REPRESENTATIVES ON OUTSIDE BODIES

- (a) To receive reports from Members on Outside Bodies.**

The Leader reported on a meeting of the West Wiltshire Economic Development Partnership, which he had attended on 9 September 2003.

- (b) To appoint Councillor Bower to the Board of West Wiltshire Housing Society.**

RESOLVED: That Councillor Bower be appointed to the Board of West Wiltshire Housing Society for the remainder of the municipal year.

88 CHAIRMAN OF PLANNING AND LICENSING COMMITTEE.

The Planning and Licensing Committee was established at the Council meeting on the 9 July 2003. During the meeting it became apparent that Councillors had different views about whether Council had resolved to allow the Committee to appoint its own Chairman. It was agreed that a temporary Chairman would be appointed at each meeting of the Planning & Licensing Committee until the issue could be debated at this meeting of Council.

Council needed to decide whether the Committee would appoint the Chairman and Vice-Chairman and the Constitution would then be drafted accordingly. If Council were to appoint the Chairman then it would need to do so at this evening's meeting.

- RESOLVED:**
- (a) That Council appoints the Chairman and Vice-Chairman of the Planning & Licensing Committee.**
 - (b) That the Committee be renamed the Planning Committee.**
 - (c) That Councillor Newbury be appointed Chairman and Councillor March be appointed Vice-Chairman of the Planning Committee.**

NOTE: RECORDED VOTES

Councillor Barker requested that her vote against the above decision be recorded.

Councillors March and Syme were nominated for the position of Vice-Chairman and a recorded vote having been requested, the voting was as follows:

FOR COUNCILLOR MARCH (21)

Councillors Baker, Blakemore, Bower, Burnan, Carbin, John Clegg, Marion Clegg, Conley, Davis, Fortescue, Hawker, Knight, March,

Mounde, Mudge, Phillips, Swabey, Viles, Whately-Gibbs, While and Wiltshire

FOR COUNCILLOR SYME (17)

Councillors Barker, Batchelor, Brice, Bryant, Chivers, Clark, Cox, Cunliffe-Jones, Hames, James, Manasseh, Newbury, Osborn, Rosier, Squires, Syme and Wells

ABSTENTIONS (0)

NOTE: VOTE TO CONTINUE

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

Councillor Viles requested that his vote against this decision be recorded.

89 REPORTS FROM MEETINGS

RESOLVED: That the following minutes be received and noted:

Meeting	Date	Minute nos
Northern Area Committee	10/07/03	65 - 77
Southern Area Committee	03/07/03	55 - 66
Planning & Licensing (inaugural)	31/07/03	1 - 14
Planning & Licensing	21/08/03	15 - 24
Cabinet	16/07/03	102 - 116
Cabinet (Special)	29/07/03	117 - 123
Cabinet	27/08/03	124 - 137
Internal Overview Committee	30/07/03	43 - 53
External Overview Committee	23/07/03	34 - 42

NOTE: The minutes of the Standards Committee 3 September 2003 were deferred to the next meeting.

90 CABINET FORWARD WORK PLAN

The Leader presented the Cabinet Forward Work Plan for the period September to December 2003.

RESOLVED: That the Cabinet Forward Work Plan for September to December 2003 be received and noted.

91 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: **That under S100A (4) of the Local Government Act 1972, the public including the press excluded from the meeting during the following item of business on the grounds that it was likely in view of the nature of the business to be transacted or the nature of proceedings that if member 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 of the said Act.**

92 CHIEF EXECUTIVE – CONTRACT OF EMPLOYMENT

The Personnel Manager presented a confidential report asking Members to consider a request from the Chief Executive to release him from his employment contract six months prior to its end date of 31 March 2004.

RESOLVED:

- (a) That Council grants the request of the Chief Executive to retire from the Council on 1 October 2003, six months earlier than previously agreed.**
- (b) That pensionable service on the posts of Chief Executive and Returning Officer not be enhanced beyond the 2 years 237 days already agreed by Council on 9 July 2003.**
- (c) That the Constitution be amended to require the Council to appoint the Returning Officer and the Electoral Registration Officer;**
- (d) That Council appoints the Corporate Officer (Democratic Services) as the Returning Officer and Electoral Registration Officer on a temporary basis.**
- (e) That Council appoints the Corporate Officer (Policy) as the Acting Chief Executive/Head of Paid Service on a temporary basis and that they work with the Leader and Deputy Leader to ensure that any other functions are appropriately delegated.**

NOTE: **DATE OF NEXT MEETING**

The date of the next scheduled meeting of Council was 5 November 2003 to be held in the Council Chamber at the Council Offices, Bradley Road, Trowbridge, commencing at 7.00pm

(7.00pm to 10.32pm)

These minutes were prepared by Anna Browne, Member Support Officer who can be contacted on direct line (01225) 770322 or email abrowne@westwiltshire.gov.uk.