

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

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

Held on: **WEDNESDAY 12 APRIL 2006**

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

Present: Councillors Batchelor (Chairman), Baker, Blakemore, Bower, Brice, Brown, Bryant, Burnan OBE, Carbin, Clark, Conley, Content, Cox, Cunliffe-Jones, Davis, Farkas, Fortescue, Hames, Hawker, James, Knight, Lewis, Manasseh, March, Mounde, Mudge, Newbury, Oakman, Oldrieve, Osborn, Payne, Phillips OBE, Repton, Swabey, Syme, Viles, While and Wiltshire.

Also present: Tony Frost, Chairman of the Standards Committee

Officers: Chief Executive (AP), Head of Legal & Democratic Services (NM), Head of Finance (IJ), Principal Environmental Health Officer (Food) (DB) Member Support Team Leader (YR)

30. Apologies

Apologies for absence were received from Cllrs Barker, Chivers, John Clegg, Marion Clegg and Rosier and Cllr Mounde for lateness.

31. Minutes

The minutes of the Council Tax Setting meeting held on 22 February, the special meeting held on 1 March and the PFI Council Seminar meeting held on 22 March 2006 were approved as correct records and signed by the Chairman.

32. Declarations of Interest

The following interests were made in respect of the notice of motion on Local Hospital Provision (minute no. 36 (b) (ii) refers).

Cllr Osborn	-	Chairman of Friends of Trowbridge Hospital – would remain and vote.
Cllr While	-	Chairman of WCC Health Overview and Scrutiny Committee
Cllr Manasseh	-	his involvement with Westbury Hospital.

33. Announcements from the Chairman

Richard Mantle – Grants Officer

The Chairman reported that Richard Mantle was retiring following 32 years service in local Government. On behalf of Council, he wished him well on his retirement.

South West Regional Development Agency (SWRDA) Investment in ABRO site

The Chairman reported that the SWRDA had paid 5.6m for the 37 acre site currently used by the Army Base Repair Organisation (ABRO) in Warminster. The Agency working with its partners will now masterplan the complete redevelopment of the site. This had been achieved with partnership working between West Wiltshire Economic Partnership, SWRDA and the Council and was an excellent example of good collaborative working.

34. Questions

(a) Questions from members of the Council

The Chairman reported receipt of questions as follows:

Cllr Clark	to	Finance Portfolio Holder
Cllr Clark	to	Leader of the Council
Cllr Clark	to	Planning & Development Portfolio Holder (withdrawn at the meeting)
Cllr Clark	to	Communications Portfolio Holder (two questions)

The questions and replies given were circulated and dealt with at the meeting.

Note: A copy of the questions and answers (apart from the question Withdrawn) are attached as an appendix to these minutes.

(b) Questions from members of the public

No questions had been received from members of the public.

35. Open Forum

The following spoke on the notice of motion – Local Hospital Provision (minute no. 36 (b) (ii) refers)

Ian Mceleny and Francis Morland

36. Notices of Motions

(a) Motions previously considered

It was noted that the notice of motion on reducing accidents in Melksham (Cllrs Barker & Chivers) had previously been referred to the Scrutiny Committee by Council. The Scrutiny Committee would be considering the motion on 19 April 2006 and the outcome would be reported back to Council in due course.

(b) New Motions

(i) Appraisal of Development Control and Enforcement Functions – Cllrs Phillips and Clark

“This motion requests the Council to carry out a thorough appraisal of the development control and enforcement functions of the planning department, particularly in the light of the withdrawing over a period of the government's planning delivery grant. This is in order to ensure that the department is capable of carrying out its statutory functions in respect of dealing with planning applications and carrying out enforcement for contravention purposes. “

To assist Members, the views of the Head of Development Control Services were presented in which reference was made to

- work currently being undertaken to review those areas and
- the reporting of progress to the Scrutiny Committee.

Should the notice of motion receive the support of Council, it was suggested that the motion be referred to Cabinet in order for it to assess the resource implications.

RESOLVED:

That the above notice of motion - Appraisal of Development Control and Enforcement Functions be referred to Cabinet to consider the resource implications of such a motion.

(Note: The above motion was referred to the Cabinet meeting dated 3 May 2006)

(ii) Local Hospital Provision - Cllrs Payne and Phillips

“This Authority, being mindful of the parlous financial state of the West Wiltshire Primary Care Trust, views with grave concern the closure of the Community Hospitals at Bradford on Avon and Westbury and the continuing threat to the remaining facilities in Melksham, Trowbridge, and Warminster.

On behalf of the residents of West Wiltshire, we propose a vote of No Confidence in the PCT Management Committee and call for their immediate resignation en bloc.”

The Chairman reported that given the importance and topical nature of this issue, he and the Leader had agreed that the above motion would be debated at the meeting.

In proposing the motion, Cllr Payne made the following points as summarised:

The Primary Care Trust (PCT) had not behaved in true partnership fashion with its partners in this area.

Consultation on impact of health provision was poorly handled.

Since publication of the agenda for this meeting, there had been announcements of further closures and there was no guarantee that remaining hospitals would remain for much longer.

The need to make savings at the Royal United Hospital, Bath (RUH) would have a knock-on effect on residents of this District.

About 10 days ago, Wiltshire County Council allegedly given 14 hours notice to remove bed blockers out of RUH.

The following summarises additional points made by other members during the debate:

Notice of motion when submitted previously (14 September 2005) had been toned down to allow for dialogue and partnership working. Given the worsening of the situation, since September, the Council should not tone the notice of motion and support it as presented.

Will affect services for the elderly and vulnerable. The WCC budget having been set, now had to find an additional 4m, although the schools budget was ring fenced, it would have an impact on other areas eg social and community care, libraries, environmental services etc. Concern that Trowbridge hospital which included the maternity unit was under threat of closure.

Concern at the potential loss of Trowbridge Cricket Club sports pitch on land adjoining Trowbridge Hospital. With the agreement of the proposer, this was incorporated into the notice of motion.

Community hospitals were a real asset to the local community, their closure would be disastrous. Transportation and parking problems. Financing of PCT's needed reviewing.

Following closures, what would happen to the monies raised by local communities eg 'Friends' of hospitals?

Concern at the closure of flagship centres eg Charterhouse and Westbury Stroke Rehabilitation Centre.

What happens when hospital beds have to be cleared in the event of large scale emergency such as a terrorist attack or alert – where would patients be referred to? There were no longer any military hospitals in the County.

Concern that the PCT would ignore the views of the community. Concern at the turnover in staff, relocation of staff, cost to the service of agency nursing staff.

The Chairman of the Scrutiny Committee, Cllr Phillips announced that the meeting of the Scrutiny Committee scheduled for 8 June would be dedicated to health issues. This decision had been made following widespread concern over the spate of closures and reductions in service. Carol Clark, Chief Executive of the West Wilts PCT had been invited to attend as would all Members.

The Leader reported that whilst she agreed with all the views expressed by Members, she would not be supporting the notice of motion. She was not convinced that the notice of motion would achieve anything. She was pleased that the matter would be considered by the Scrutiny Committee. She considered that this Council could have done more to avoid the current situation. This Council along with town and parish Councils should be lobbying the MP, the PM and the Government. A new PCT Board would be appointed in October and the Council had no option but to work in partnership with them. She considered that the passing of such a notice of motion would do nothing to foster a good working relationship with the new Board.

The motion was put to the vote amended to include the following at the end of the first paragraph:

“and to the sporting facilities at the Trowbridge Cricket ground”

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

For the motion (36)

Cllrs Baker, Batchelor, Blakemore, Bower, Brice, Brown, Bryant, Burnan OBE, Carbin, Clark, Conley, Cox, Cunliffe-Jones, Davis, Farkas, Fortescue, Hames, Hawker, James, Knight, Lewis, Manasseh, March, Mounde, Mudge, Newbury, Oakman, Oldrieve, Osborn, Payne, Phillips OBE, Repton, Swabey, Syme, Viles and Wiltshire

Against the motion (1)

Cllr Content

Abstentions (Nil)

Note: Cllr While did not vote on the motion having declared an interest in the matter (minute no. 32 refers)

It was therefore

RESOLVED:

This Authority, being mindful of the parlous financial state of the West Wiltshire Primary Care Trust, views with grave concern the closure of the Community Hospitals at Bradford on Avon and Westbury and the continuing threat to the remaining facilities in Melksham, Trowbridge, and Warminster and to the sporting facilities at Trowbridge cricket ground.

On behalf of the residents of West Wiltshire, we propose a vote of No Confidence in the PCT Management Committee and call for their immediate resignation en bloc.

(iii) Increase in Members' Allowances – Cllrs Payne and Phillips

“This Authority, having due regard for the Council Taxpayers of the District following the recent 4.9% increase in the District precept, resolves to forego the 2% increase in Members' Allowances recently promulgated in the Members' Information Sheet. In so doing, it agrees to freeze the allowances for a further year until April 2007 to allow the Independent Review Board to deliberate on the appropriate level to be paid for the ensuing period.”

Given that Members' allowances was something ultimately reserved for Council, the Chairman and Leader agreed for the matter to be debated and determined by the Council.

It was noted that due to an oversight, the inflationary increase had not been awarded for 2005/06.

On being put to the vote, the motion was LOST and the motion therefore falls. A recorded vote having been requested, the voting was recorded as follows:

For the motion (16)

Cllrs Baker, Bower, Burnan OBE, Clark, Conley, Davis, Fortescue, Knight, March, Mounde, Payne, Phillips OBE, Swabey, Viles, While and Wiltshire

Against the motion (18)

Cllrs Batchelor, Blakemore, Brice, Brown, Bryant, Content, Cox, Cunliffe-Jones, Hawker, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton and Syme

Abstentions (4)

Cllrs Carbin, Farkas, Hames and Mudge

37. Changes to the Constitution

A new Constitution had been adopted by the Council on 15 December 2005 and would be implemented following the conclusion of this meeting.

A report was presented concerning suggested changes to aspects of the Constitution and as requested by Council, a revised Scheme of Delegation was presented for Members' consideration.

(a) Recommendations from the Standards Committee (dated 15 March 2006)

(i) Notices of Motion

Suggested changes to the Council Procedure Rules concerning Notices of Motion were presented. The Chairman of the Standards Committee was in agreement with the suggested amendments and proposed a further minor amendment as highlighted in the report presented.

RESOLVED:

That the Council Procedure Rules – Paragraph 12 – Notices of Motion in the new Constitution be amended as shown in Appendix A presented at the meeting (which includes the amendment proposed by the Standards Committee).

(ii) Appointment of Alternate Members (Substitutes)

The Constitution allowed for a 'one for one' system of substitutes with all full and alternate members being appointed by Council. So as to avoid a situation whereby members were appointed at this meeting and then again at the Annual Council in May, approval was sought to allow the status quo arrangements for substituting at meetings in the interim. This had received the support of the Standards Committee.

RESOLVED:

That the 'one for one' system of substitutes be applied immediately after Annual Council in May 2006. In the meantime, the status quo arrangement regarding substitutes be applied.

Note: Recorded Votes

Council voted on (a) (i) & (ii) above together and Cllr Phillips OBE requested that his vote against the decisions be recorded.

(b) Scheme of Delegation

In accordance with the instructions of Council dated 15 December 2005, a review of the Scheme of Delegation had been undertaken by George Curran, Solicitor. This had included taking on board comments made following consultation with senior officers.

In order to facilitate the application of the delegations, some general provisions had been incorporated including the scope to authorise alternate officers to act in the absence of others, to change responsibilities to reflect any structural changes in the management of the Council, to cater for future legislation and to ensure officers/member consultation and collaboration as may be necessary. The revised Scheme was presented as a 'tracked change' document which allowed Members to identify where changes had been made.

RESOLVED:

That the Scheme of Delegation as amended (as detailed in the report presented) be approved and incorporated in the Constitution.

(c) Financial Procedure Rules

The consultation process on the Scheme of Delegation identified the need to update the Financial Procedure Rules and to improve financial administration practices. Details of proposed changes were also presented as 'tracked changes' to assist Members.

Cllr Bower suggested the following amendments:

Paragraph 19 (h) – to add at the end “and the Audit Committee”

Paragraph 20 (a) (ii) – to include the words in **bold** :

make sure that control systems are **effective and** updated to meet changing requirements.

RESOLVED:

That the Financial Procedure Rules as amended (as detailed in the report presented and taking on board Cllr Bower's suggested amendments as detailed above) be approved and incorporated into the Constitution.

(d) Contract Procedure Rules

Following the review of Financial Procedure rules, consequential amendments had been made to the Contract Procedure Rules as shown in the 'tracked changes' document presented.

Throughout the document, references to between £40k – £120k be changed to between £50k - £150k and the figure of above £120k be changed to above 150.

RESOLVED:

That the Contract Procedure Rules as amended (as detailed in the report presented and the amendments referred to above) be approved and incorporated into the Constitution.

(e) Questions At Annual Council

In advance of the next meeting of Council, being the Annual Meeting of Council, the Chairman drew Members' attention to the fact that the new Constitution did not permit the asking of formal questions at Annual Meetings.

This had not attracted any comment during consultation on the Constitution.

Should questions be permitted at Annual Council, the Chairman sought Clarification over the number of questions to be permitted by Members. The Constitution stated that "any member may ask a question" to the effect that they may ask 'one' question.

RESOLVED:

That questions on notice be permitted at Annual meetings of the Council; that Members be permitted to ask more than one question and that accordingly, paragraph 14 (b) (i) of the Council Procedure Rules:

Any member may ask questions relating to any function of the authority after giving written notice of those questions in accordance with paragraph (c) below. The Chairman will ask the Leader or another member of the Cabinet or the Chairman of any member body whose remit covers the subject matter in question to answer the questions.

It was noted that the Chairman of the Standards Committee had been consulted on matters covered in (b) – (e) above.

The Head of Legal and Democratic Services explained the arrangements to publish and circulate the Constitution once all approved amendments had been incorporated into the document.

38. Food Law & Environment Service Plan – Recommendation from Cabinet

The above Plan had been considered by Cabinet on 5 April and recommended to this Council for approval as it was one of the Plans which ultimately required the approval of Council.

RESOLVED:

That the Food Law & Environment Service Plan be approved.

39. Cabinet Forward Work Plan

The Leader explained that the District Auditor's Management Letter would be presented to Cabinet on 31 May and that the District Auditor would be attending the Council's first meeting of the Audit Committee in June.

RESOLVED:

That the Cabinet Forward Work Plan be noted.

40. Urgent Business – Reporting Back

Council was advised of an urgent decision taken by the Leader in consultation with the Chief Executive in accordance with S.18 – Urgent Decision Procedure of the (existing) Constitution.

The decision related to approving an additional £160 (plus 9% fees) to be added to the 2006/07 capital spend to pay for structural repairs to Bradford on Avon Swimming Pool. All Members had been previously notified in accordance with the Constitution.

RESOLVED:

That the decision taken using the Urgent Decision Procedure be noted.

41. Representatives on Outside Bodies

The following Members referred to their attendance at meetings of outside bodies:

Cllr Osborn – West Wiltshire Housing Society

- process of appraisal of Board members
- rent reductions
- garage review

Cllr Cox – West Wiltshire Housing Society

- Housing Conference where PFI featured as a topic

Cllr Bower – West Wiltshire Housing Society

- Resigned from the Society's PFI Project Board and resigned as an observer on the Council's PFI Project Board

Cllr Newbury - Village Hall Grants Panel

- Finalised grants for the year. Only one grant of 5k awarded in the District. Felt more could be done to publicise the availability of such grants.

Cllr James

Would be meeting with the Chief Executive and officers of West Wiltshire Housing Society to discuss the garage review.

42. Reports from Meetings

Council was asked to receive and note the minutes of the following meetings. This was also an opportunity for Members to ask questions for information or clarification.

Meeting	Date	Min. No. s
Cabinet	8 March	35-55
Licensing Sub Committee	22 February – Kings Takeaway	1-3
	22 February – The Coyote Bar	1-3
Planning	9 March	27 – 34
	16 February	19-26
Scrutiny	1 March	16-27
LJCC	13 March	7-12
	6 February	1-6
Westbury Area Seminar	2 February	1-11
Trowbridge Area Seminar	6 February	1-11
Bradford on Avon Area Seminar	9 February	1-11
Warminster Area Seminar	15 February	1-11
Melksham Area Seminar	16 March	1-11

RESOLVED:

That the minutes of the above meetings be received and noted.

Date Of Next Meeting

The next scheduled meeting of Council would be the Annual Meeting of Council and would be held on 10 May 2006.

These minutes were prepared by Yamina Rhouati, Member Support Team Leader who can be contacted on direct telephone line 01225 770322 or email yrhouati@westwiltshire.gov.uk

(7.00pm – 9.15pm)