

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

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

Held on: **WEDNESDAY 21 JUNE 2006**

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

Present: Councillors Batchelor (Chairman), Bower, Brice, Brown, Bryant, Burnan OBE, Carbin, Chivers, Clark, J Clegg, M Clegg, Conley, Content, Cunliffe-Jones, Davis, Farkas, Hames, Hawker, Knight, Lovell, Manasseh, March, Mounde, Mudge, Oakman, Oldrieve, Osborn, Payne, Phillips OBE, Repton, While and Wiltshire.

Officers: Chief Executive (AP), Head of Legal & Democratic Services (NM), Head of Finance (IJ), Corporate Directors (TD & IG), Head of Human Resources (SL), Member Support Team Leader (YR), Member Support Officer (PS)

66 Apologies

Apologies for absence were received from Cllrs Barker, Blakemore, Cox, Fortescue, James, Newbury, Rosier, Swabey, Syme and Viles

67 Declarations of Interest

The following Councillors declared their interest in Item 6(c)– Leisure and Recreation Development Plan Document and Action Plan (minute no. 68 below refers):

Cllr Batchelor – Cycleways

Cllr Hawker – Declared a prejudicial interest during the discussion and left the Chamber during the discussion.

The following Councillors declared their interest in Item 8 – Report of the Scrutiny Committee – Consultation on Health Proposals (minute no. 70 below refers):

Cllr Manasseh – Council representative on Wiltshire County Council's Health Overview and Scrutiny Committee

Cllr Osborn – Chair of Friends of Trowbridge Hospital

Cllr March – Member of Patient and Public involvement in the Health Forum

Cllr While – Chair of Wiltshire County Council's Health Overview and Scrutiny Committee

Cllr M Clegg – Fellow Councillor owns land mentioned as a possible site for proposed new hospital

Any references to West Wiltshire Housing Society:

Cllrs Lovell, Bower , Osborn and Chivers as Board members of the Society

The following Councillor declared his interest in Item 12 Cabinet Forward Work Plan (minute no. 74 below refers):

Cllr Payne - Waste Collection Contract

68 Announcements from the Chairman

Recycling Targets

The Chairman announced that the recycling rate for May was the highest ever, according to provisional figures supplied by Wiltshire County Council. He congratulated all those concerned for such a fantastic achievement. Full details would be circulated in the Members' Information Sheet.

Audit Committee

The Chairman reminded Members that Audit Committee would be meeting on Thursday 29 June at 7pm. It would be preceded by a training session at 6pm to which all Members were invited. The training session would include a presentation from the Audit Commission on the role of the Committee.

Birthday Honours

Two West Wiltshire residents had received OBE's in the Queen's Birthday Honours list - Mrs Susan Hoggarth JP, for services to the community in Warminster, and Ms Rosalind Redfern from Westbury, lately head duty clerk in the Prime Minister's office. The Chairman congratulated both recipients.

West Wilts Matters

The latest edition of West Wilts Matters would be distributed via Royal Mail in the week commencing 3 July.

69 Minutes

The minutes of the Annual Council meeting held on 10 May 2006 were approved as a correct record and signed by the Chairman.

70 Questions from Members of the Public

No questions had been received from members of the public

71 Reports from Cabinet and Cabinet Members

(a) Performance Plan 2006-07

Councillor Carbin presented the Performance Plan, which detailed performance for the previous year and priorities for improvement for the current and subsequent two years.

Note: Cllr Hawker arrived at this point.

RESOLVED:

- **That the Council formally adopt the Performance Plan for 2006-07**
- **That Council delegates minor drafting changes and revisions to the Chief Executive**
- **That the Scrutiny Committee be requested to investigate, via a Task and Finish Group, the effectiveness of monitoring major contracts.**

(b) Local Development Scheme

Councillor Osborn presented the revised Local Development Scheme for the period 2006-2009 for Council's approval.

Cllr Osborn explained that the Annual Monitoring Report (a requirement of the Local Development Framework) produced by the Council's Planning Policy and Conservation section had been recommended by the Government Office for the South West as best practice.

RESOLVED:

That Council approve the revised Local Development Scheme to have effect from 3 July 2006.

(c) Leisure and Recreation Development Plan Document and Action Plan

Councillor Osborn presented a report, which sought support for a preferred options paper and would form the next stage in the production of a new development plan document for leisure and recreation planning policies.

RESOLVED:

That Council approve the preferred options paper for formal public consultation.

(d) Statement of Community Involvement

Councillor Osborn presented the amended Statement of Community Involvement following the recommendations made within the recent Inspector's Report and by Cabinet on 31 May 2006. The approval of Council was therefore sought.

RESOLVED:

That Council agrees the changes to the Statement of Community Involvement and to adopt the document as policy.

72 Reports of Committees

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	Minute No.'s
Cabinet	3 May	75 - 95
	31 May	96 - 115
Licensing	10 May	9 - 12
Planning	10 May	52 - 54
	11 May	55 - 62
	1 June	63 - 73
Scrutiny	10 May	41 - 43
	17 May	44 - 49
	8 June	50 - 53
Audit	10 May	1 - 3
Standards	26 April	20 - 27
Staffing and Appointments	10 May	1 - 3
Melksham Area Seminar	30 May	13 - 20

RESOLVED:

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

73 Report of the Scrutiny Committee – Consultation on Health Matters

Council considered the recommendations of the Scrutiny Committee concerning the Pathways for Change and Mainstreaming Mental Health consultations. This also included the views of the Melksham Area Seminar.

A discussion ensued on the location for a new Generation Community Hospital.

The recommendations as set out in the report were moved and seconded. An amendment was then moved to replace 'to be based in Trowbridge' with 'nearer to the centre of West Wiltshire District' in the second bullet point and to support

the Scrutiny Committee's support of the comments (taken on board by the Scrutiny Committee as detailed in the report) of the Melksham Area Seminar.

On being put to the vote, the amendment was CARRIED

Note: Recorded Vote

Cllr Oakman requested that his vote against the above amendment be recorded.

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

RESOLVED:

That Council :

- supports the Scrutiny Committee's concern over the suitability of any of the options outlined in the Pathways for Change consultation document and its decision to not support any of the presented options
- supports the recommendation concerning the provision of a New Generation Community Hospital for West Wiltshire, including a maternity unit nearer to the centre of West Wiltshire District and having good access to transport routes.
- notes the general comments and concerns of the Scrutiny Committee
- notes the separate recommendations to Cabinet
- supports the Scrutiny Committee in supporting the comments of the Melksham Area Seminar (those taken on board by the Scrutiny Committee as detailed in the report.
- supports a further attempt to gain additional answers to the questions already submitted to the PCT and to agree that the questions should be included with the Council's response to the consultation.
- agrees the concerns expressed and recommendations made, as included above, as the basis for the response to the consultations.

Note: The Chief Executive undertook to incorporate all the points of concern expressed by Members in the Council's formal response to the Consultation.

Cllr Manasseh requested that he be kept informed about the Council's formal response as this Council's representative on the County Council's Health Overview and Scrutiny Committee.

74 Notices of Motion

Minority Group Notice of Motion – Literary Style – Cllrs Phillips OBE, Hawker and Clark –Council 21 June 2006

Council was asked to consider the following notice of motion submitted by Cllrs Phillips OBE, Hawker and Clark:

"To help achieve higher standards in all activities, communications and decisions, Council resolves -

(1) that staff and councillors should strive to ensure correct use of English in all papers, reports and circulars and in all publications;

(2) that particular effort is made towards eliminating the most common spelling, punctuation and grammatical mistakes;

(3) that any courses provided for attaining better plain English also include a list with an explanation of common spelling, punctuation and grammatical mistakes for everyone to try to avoid."

On being put to the vote, it was

RESOLVED:

That the above notice of motion be not adopted.

75 Questions from Members of the Council

Questions were received from the following Members:

From Cllr Clark to Cllr Batchelor, Chairman of the Council

From Cllr Chivers to Cllr Osborn, Planning and Development Portfolio Holder

Note: A copy of the questions and responses are attached as an appendix to these minutes.

76 Representatives on Outside Bodies

The Chairman invited Members to report back on meetings of outside bodies they had attended as representatives of the Council.

The following reports were made:

Cllr Osborn and Cllr Lovell – West Wiltshire Housing Society –

- Investigating the advantages and disadvantages of a Direct Labour Organisation.
- Appraisals had been completed.
- A status survey had been conducted regarding tenants' views on the Housing Society.
- There was the possibility that a name change could be made to avoid confusion with the District Council.

Cllr Brice - Wessex Water Customer Liaison Panel (Northern Area) –

- There would be no hose pipe ban this year.
- Any leakage problems had been solved and were within set targets.

Cllr Chivers – Postwatch

- Postwatch had discussed the loss of rural Post Offices.
- Paying in cards would be scrapped due to financial reasons. Royal Mail is introducing size-based pricing (details of which would be circulated to Members via the Members' Information Sheet).

Cllr Hawker – Westbury Youth Services Committee –

- The Youth Service provision to the Youth Centre was due to cease, there had been no consultation about this. Cllr Manasseh had arranged a meeting with Wiltshire County Council officers and Cllr Bryant as Youth Champion about this.

77 Cabinet Forward Work Plan

The Leader presented the Cabinet Forward Work Plan and advised that the following item would now be deferred from 28 June to 26 July 2006:

Waste Collection: Contract re-tender

Date Of Next Meeting

The next scheduled meeting of Council would be held on 13 September 2006.

These minutes were prepared by Pam Sidgwick, Member Support Officer who can be contacted on direct telephone line 01225 770322 or email psidgwick@westwiltshire.gov.uk

(7.00pm – 9.15pm)

West Wiltshire District Council

Council

21 June 2006

**Question from Cllr Ernie Clark to
Cllr Paul Batchelor, Chairman of Council**

Question

I believe that this authority is annually invited to nominate two councillors to attend one of HM The Queen's garden parties at Buckingham Palace.

In the past the names of the fortunate recipients have been announced to fellow members. This year, however, I do not recall any announcement being made of the names of those awarded this accolade.

Could you please tell me the names of the two councillors who were selected in 2006, please?

Answer

As explained in the Members' Information Sheet Issue No. 564, those attending will be Councillor Nick Blakemore with partner and myself with partner. The date we are all attending is Tuesday, 11 July 2006.

**Questions from Cllr Terry Chivers to
Cllr Jeff Osborn, Portfolio Holder for Planning and Development**

Question

When was the planning application for a replacement dwelling known as Sheeshnag Shaw received?

Answer

Planning application for the replacement dwelling received 09.09.2002 and permitted on 04.11.2002.

Subsequent planning application for revised siting of garage received 03.09.2003 and permitted on 21.10.2003

Question

When did the Council become aware that a track had been laid across open countryside without planning permission?

Answer

Complaint about track across field received 31.03.2003

The owners claimed track was required initially on a temporary basis in connection with the building of the replacement dwelling and garage. This is permitted development for the duration of the building works. They agreed that only construction vehicles would use track and that other vehicles to the site would use existing access to the site. The owners subsequently submitted a planning application to retain the track as a permanent access to Sheeshnag. This was refused planning permission on 04.06.2003 and a subsequent appeal dismissed on 27.01. 2004. In accordance with usual practice, any enforcement action was suspended for the duration of the application and appeal.

Question

How many complaints have been received from local residents regarding the lack of enforcement action regarding this matter?

Answer

The council has had correspondence with 8 nearby residents regarding this site, 7 of whom have complained about the lack of progress in taking enforcement action.

Question

How many official complaints have been received from local residents with regard to this issue, and has it been referred to the Ombudsman?

Answer

See answer to previous question

The council received notice of a complaint to the ombudsman on 19th June.

Question

Many local residents have lost total confidence in the planning department; do you like me share this view?

Answer

I have not lost total confidence in the planning department.

Any action which the council may consider taking at this site is constrained by the applicant being able to claim that so long as the ongoing building works remain uncompleted at Sheeshnag, this track could be retained as a temporary feature for the duration of the building works. Although work at the site has been stalled for sometime, building works have not been completed. Re-commencing the building works would negate any attempts by the council to take enforcement action to secure the removal of the track. As recently as the spring of this year more building materials appeared at the site and the owner of the site stated that he would be completing the outstanding works at the site as soon as possible.

However, the council must consider also 'the four year rule' relating to unauthorised works at the end of which the unauthorised works could be claimed to have planning permission by default. Notwithstanding the above comments the council is aware of the need to have an enforcement notice in place within this four year period. The four year

period in this case ends in early 2007. To achieve this it is our intention in to commence formal enforcement action at the beginning of July. Three nearby residents and the local ward member were advised of this in replies to letters in April and May of this year. The owner of the site has admitted in the last two weeks that he is not in a position to continue with building works for the foreseeable future. As a consequence of this statement, formal enforcement action has been brought forward and was commenced on 20th June when planning contravention notices were served.

In the event of an enforcement notice being challenged, this approach will enable the council to demonstrate that it has behaved reasonably in giving the owner of Sheeshnag ample time to complete the development. It will serve also help the council undermine any further claim the owner may make about needing to retain the track because of ongoing building work.

The council has continued to be active at this site over the past two years (since the appeal decision). It has –

- Ensured that the track is gated to limit its use to vehicles associated with the building works
- Continued to monitor works at the site and to respond to nearby residents complaints about the site and track, including unauthorised use of the track
- Undertaken works to mitigate impact of the track on a public right of way, including securing a kissing gate on the footpath.