



IMPLEMENTATION EXECUTIVE

Minutes of the Meeting Held on 28 January 2009

In Attendance

Wiltshire County Council (WCC)

Mrs Jane Scott – Leader – in the Chair
Mr John Thomson – Deputy Leader
Mrs Mary Douglas
Mrs Bridget Wayman
Mrs NS Bryant
Mr Toby Sturgis
Mr Mark Baker
Mr John Noeken

Kennet District Council (KDC)

Mr Lionel Grundy – Leader

West Wiltshire District Council (WWDC)

Mr Tony Phillips – Deputy Leader
Mr Rod Eaton

North Wiltshire District Council (NWDC)

Mr Dick Tonge – Leader
Mrs Allison Bucknell – Deputy Leader

Salisbury District Council (SDC)

Mr Steven Fear – Deputy Leader

Also in attendance: Mr M Hewitt, Mr J Johnson, Mr A Molland, Mr J Osborn, Mr S Wheeler

183. Apologies

Apologies were received from Miss de Rhé Philipe, Mr P Brown and Mr P Sample.

184. Minutes

The minutes of the meeting held on 13 January 2009 were confirmed and signed as a correct record.

185. Members' Interests

No interests were declared.

186. Public Participation

Margaret Willmot had submitted a question in relation to the cost of the public enquiry into the Westbury bypass to the Implementation Executive. This was circulated at the meeting together with the response.

187. Revenue Budget and Capital Programme for 2009-10

a) Budget 2009-10

Chief Financial Officer (CFO) introduced a series of reports on the 2009-10 budget as follows:

- (I) Budget Context and Key Issues for 2009-10
- (II) Projected Revenue Spending 2008-09
- (III) Fees & Charges 2009-10
- (IV) Salisbury Parish Precept
- (V) Revenue Budget 2009-10
- (VI) Capital Programme 2009-10 Through To 2011-12
- (VII) Treasury Management Strategy 2009-10
- (VIII) Housing Revenue Account (HRA) & Rents

The Leader highlighted that no decisions would be taken at this meeting which would provide members with an opportunity to comment on the reports before further work would be commissioned on the proposals to enable the IE to make recommendations to County Council at its meeting on 11 February.

With regard to the report on Fees & Charges, Mrs Douglas suggested that libraries should not charge residents to access the internet in the current economic climate and further work to offset this charge would be undertaken. This was supported by the IE.

In relation to the report on the Salisbury Parish Precept, the Deputy Leader of Salisbury District Council emphasised that all political groups within Salisbury District Council had supported the proposals.

The Leader reported that the outcome of the budget consultations were reflected in the proposals, i.e. an increased budget priority on highways and waste, as well as adult care and children's services. The Leader also reported that through amalgamation of services, efficiency savings for the first year of the new Council had already increased from the originally anticipated £6.6m to £8.5m. The Leader further outlined that Wiltshire Council was among the bottom third of unitary authorities in terms of the allocation of the Government's grant settlement but also at the bottom of council tax increase compared to other future unitary authorities.

The Leader suggested that in response to members' comments throughout the debate, a number of briefing notes would be prepared and circulated to members

and that members seeking clarification on specific matters or proposals should contact leading members or officers direct before 11 February.

The Leader highlighted that the IE Budget Working Group (BWG) would consider further details in relation to the budget reports and proposals and would formulate recommendations to the IE at the next meeting.

Resolved:

a) To note the contents of the budget booklet and the decisions required at the meeting of the Implementation Executive on 11 February 2009.

b) To note that further work would be undertaken by the IE BWG and that their budget recommendations would be presented to the Implementation Executive on 11 February 2009.

Reason for Proposal:

To enable members to progress the revenue and capital budget proposals for the year 2009-10.

b) Supplementary Information

The Implementation Executive considered further reports on the outcome of budget consultations, on performance information and on transition costs and savings. The Leader introduced the reports which contained additional information to inform members' decisions in relation with the budget 2009-10.

Resolved:

To note the reports.

Reason for Proposal:

To inform members about the outcome of the public budget consultation, the performance of the five councils and the comparative costs of providing services, as well as the transition cost and savings in conjunction with the proposals for the 2009-10 budget.

c) Robustness of Estimates and Adequacy of Reserves – Revenue Budget 2009-10

The Implementation Executive considered the report of the Chief Financial Officer which set out mandatory information on the key assumptions and risks in relation to the levels of general reserves and balances.

Resolved:

To note that this matter would be considered further at the next meeting of the Implementation Executive on 11 February 2009.

Reasons for Proposal:

Section 25 of the Local Government Act 2003 requires the Section 151 Officer to formally report to Council, as part of the budget setting process, on the robustness of estimates and the adequacy of reserves allowed for in the budget proposals.

188. Draft Corporate Plan 2009-10

The Implementation Executive considered the report of the Service Director, Policy, Research & Communications which set out priorities and actions for Wiltshire Council in the first year. Longer term priorities and actions would be determined by the new Council.

The Service Director, Policy, Research & Communications introduced the report and tabled draft visuals of the Corporate Plan at the meeting. The Leader suggested that the content of the Corporate Plan should be used for the council tax leaflet.

The document would now be further developed and brought back for approval to a future meeting of the IE.

Resolved

a) To note the draft Corporate Plan 2009-10 for the new council and to agree that the final content would be used for the council tax leaflet.

b) To recognise that some actions in the plan would be subject to the budget setting process and where necessary would be revised.

Reason for Proposal

The new Council needs to set out its vision, goals and priorities and the actions it will take to deliver these goals and priorities. It will also reflect the targets set out in the Local Area Agreement (LAA) for Wiltshire, which have been agreed and monitored by Government. The Corporate Plan will be assessed by the Audit Commission as part of Wiltshire Council's Direction of Travel and its Comprehensive Area Assessment (CAA).

189. Draft Constitution for Wiltshire Council

The Implementation Executive considered the report of the Head of Legal & Democratic Services which presented the draft constitution for Wiltshire Council and which requested the Implementation Executive to recommend its adoption by Council on 24 February 2009.

Mr Wheeler (Kennet District Council), a member of the Focus Group on the Constitution, referred to the work of the Focus Group, its recommendations as detailed in the report and explained that further work and refinement would continue between now and adoption of the constitution by Wiltshire Council in June 2009. In this connection, it was noted that members of the Focus Group were willing to continue with the Group's work to further develop the constitution.

The Leader referred to comments received from members on the consultation draft and these related to chairmanship of Overview & Scrutiny committees, public

participation at planning committees and the appointment of four deputy chairmen of the Council.

In relation to the chairmanship of Overview & Scrutiny committees, the Leader suggested that the new Council should continue the practice which currently exists of allowing each Scrutiny committee to elect its own chairman. IE members expressed the general view that the Chairman should not be a member of the administration.

With regard to public participation at planning committees, the Leader suggested that members of the public should be able to register to speak at meetings on the day of the meeting. It was also suggested that further work should be undertaken and a consistent protocol on procedures for area planning committees be developed which could not be changed by individual area committees.

The Leader reported that after the agenda had been published, a further member's comment had been received which suggested appointing four deputy Chairmen of the County Council to attend civic functions on behalf of the Chairman if s/he is unable to attend. The IE did not support this suggestion.

Mr Hewitt, Chairman of the JOSTB Area Board Task Group, raised concerns about prematurely agreeing the dates for Area Board meetings. The Leader responded and suggested that the dates for the first Board meetings should be programmed but subsequent meetings should be a matter for each Area Board to determine although the dates presented should remain in the schedule of meetings as provisional dates.

Resolved

a) To recommend to County Council to adopt the revised constitution on the basis that Wiltshire Council would review the effectiveness of the constitution in the light of experience after six months of operation.

b) In response to members' comments on the draft constitution:

- i. To agree that Overview & Scrutiny committees would continue to elect their own chairmen.**
- ii. To request that further work be undertaken to develop a County-wide protocol for the operation of planning committees, which would also determine public participation at meetings, and that members of the public should be able to register to speak at meetings on the day of the meeting.**

c) To prepare a concise, user friendly handbook on the constitution for members and members of the public for use in the new Council.

d) To develop a protocol on member-officer relations in line with best practice for approval by the Implementation Executive for use in the new Council.

e) To authorise the Monitoring Officer to make such amendments as are necessary to give effect to decisions of the Implementation Executive, Council or its committees and to ensure that the constitution is clearly presented and legally fit for the purpose in the new Council.

f) To request the Focus Group on the Constitution with its current membership to continue to assist with any further developments of the Constitution until June 2009 and that the new Council be recommended to establish a similar group to assist with the ongoing review of the constitution.

g) To note the indicative schedule of meetings as detailed in Appendix 4 to the report and that future meeting dates for Area Boards, after the initial scheduled meeting, were provisional.

Reason for Proposal

To consider the draft revised constitution for Wiltshire Council with a view to making recommendations for its adoption by County Council on 24 February 2009.

190. Appointment of Chief Executive

The Implementation Executive considered the report of the Assistant Director, LGR Staff Transition which presented two options for the appointment of a new Chief Executive for Wiltshire Council. The IE had previously decided to leave both the recruitment arrangements and the selection for the new authority on the assumption that the post could be taken up in January 2010. With the elections taking place in June 2009 this timescale would now slip.

The Leader suggested that the previously agreed decision should not be changed.

Resolved:

a) To reaffirm the Implementation Executive's decision of March 2008, thereby leaving recruitment and selection of the new Chief Executive to the new Council.

b) To request that a report on the appointment of the Chief Executive be produced for the first meeting of the new Cabinet.

Reason for Proposal:

To determine the recruitment process and the selection arrangements for a Chief Executive for Wiltshire Council.

191. Developing Licensing Services

The Implementation Executive considered the report of the Service Director, Public Protection Services which set out the requirements for a strategic Licensing Committee and the establishment of Licensing Sub-Committees, including pre-election arrangements and a proposed Scheme of Delegation to ensure the provision of the service beyond the election of new members in June 2009.

Mrs Bucknell, one of the IE lead members for Regulation, introduced the report and highlighted that similar arrangements were proposed to those currently in operation in the district councils. Members would be co-opted for the pre-election period and a further report with member nominations would be produced for a future meeting.

Resolved:

a) With regard to the pre-election period (1 April 2009 until the election of the new Council):

- i. To appoint an interim Licensing Committee composed of 12 members, three from each of the current district councils who had served on respective Licensing Committees to be nominated by those district councils.**
- ii. To waive the need for political balance under the Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 as outlined in paragraph 27 of the report in relation to the membership of the committee.**
- iii. To delegate authority to the interim Licensing Committee to appoint sub-committees composed of the three district council members to determine applications or reviews within its respective geographical area.**
- iv. To recommend to the Interim Licensing Committee to adopt the scheme of delegation as outlined in Appendix 1 (paragraph 29) to the report.**
- v. To delegate authority to the Head of Democratic Services to appoint replacement members to a licensing sub-committee from another geographical area where an existing member has a prejudicial interest.**

b) With regard to the period after the election of members of the new Council in June 2009:

- i. To recommend to the new Council to appoint a politically balanced Licensing Committee at the earliest opportunity, composed of between ten and fifteen members of the Council.**
- ii. To recommend the terms of reference for such a Committee as follows: "To deal with all of the Council's responsibilities under the Licensing Act 2003 and Gambling Act 2005 and any other associated matters that naturally fall within the jurisdiction of the Committee where legislation permits" as outlined in paragraphs 12 and 15 of the report.**
- iii. To agree that the Licensing Committee would normally meet twice a year.**
- iv. To agree that all members receive relevant training prior to sitting on any sub-committee.**
- v. To explore opportunities of working with Area Boards with respect to other licensing activities.**
- vi. To present a report to the Licensing Committee, once appointed, with recommendations regarding the appointment of sub-committees and the**

scheme of delegation in line with the proposals in paragraph 18 to 23 of the report.

- vii. To delegate authority to the Head of Democratic Services to appoint Members to licensing sub-committees drawn only from the overall membership of the Licensing Committee rather than through the usual political group substitution rules.**

c) To request a further report to the Implementation Executive in March 2009 proposing the adoption of both the Statement of Licensing Policy and Statement of Principles which will then apply from 1 April 2009 and agree that if this was not possible, the existing respective district council policy statements would continue to have effect.

(NB. No members of the Implementation Executive voted against the decision as set out at (a) (ii) above in relation to the arrangements during the pre-election period.)

Reason for Proposal:

To meet statutory requirements for Wiltshire Council.

192. Area Planning Committees in the Pre-Election Period

The Implementation Executive considered the report of the Head of Democratic and Members' Services which nominated current district council members to serve on one of four area planning committees in the pre-election period.

Mr Phillips confirmed that he wished to serve on the planning committee in the West Wiltshire area.

Resolved:

To co-opt the individual district councillors as set out in the Appendix to these minutes to serve on their respective area planning committees in the pre-election period.

Reason for Proposal:

Planning committees will have to be constituted for the pre-election period from April to June 2009 to continue to deliver a development control service.

193. Waterside Project, Trowbridge

The Implementation Executive considered the report of the Corporate Director, Transport, Environment & Leisure which confirmed that construction of the Waterside project in Trowbridge would not complete by the end of 2010 as originally envisaged as a result of current economic problems and the depreciation in the property market.

The Leader suggested that in order to provide continuity, Michael Mounde, currently a West Wiltshire District Council member, should be co-opted to serve on the Steering Group after April 2009.

Resolved:

To co-opt Michael Mounde on the Steering Group for the Waterside Project to enable service after 1 April 2009.

Reason for Proposal:

To update members on the current position prior to the submission of a full report.

194. Application of the Appointments Procedure

The Implementation Executive considered the report of the Assistant Director, LGR Staff Transition which outlined the progress with the appointments procedure to date.

Members enquired about the timescales for staff appointments and noted that after the appointment of the Heads of Services the further process would commence more rapidly.

Resolved

To note the report.

195. Towards One Council Progress Report

The Implementation Executive considered the report of the Service Director, Policy, Research & Communications which outlined the main activity that had occurred since the last progress report on 10 December 2008.

The Service Director, Policy, Research & Communications introduced the report and highlighted that a revised schedule of road shows would be circulated.

Resolved

To note the report.

196. Outline Work Programme

The Implementation Executive received the Outline Work Programme of future business.

The meeting closed at 6.30pm.