

## **KENNET DISTRICT COUNCIL**

### **MEETING OF THE COUNCIL**

Minutes of the meeting of the Council held in the Council Chamber, Browfort,  
Bath Road, Devizes on Tuesday 22<sup>nd</sup> February 2005 at 2.15pm

**PRESENT:** Mrs J K Combe – Chairman

Councillor B G Ashley	Councillor D T B Hunter
Councillor K R F Beard	Councillor J J Kunkler
Councillor J A Booth	Councillor S J Miles
Councillor P A Brown	Councillor A Molland
Councillor G Brewer	Councillor J D Ody
Councillor Mrs K Callow	Councillor R T Parsons
Councillor D Campbell	Councillor Mrs N G Rawlins
Councillor Mrs T M Carr	Councillor Dr J P M Reid
Councillor W B Cavill	Councillor P Richardson
Councillor A R Connolly	Councillor A Skittrall
Councillor Mrs R S E Cummins	Councillor A H Still
Councillor A P J Duck	Councillor C R W Stone
Councillor P Evans	Councillor Mrs M S N Taylor
Councillor J N Fogg	Councillor B J Twigger
Councillor L H Grundy	Councillor P N Veasey
Councillor Mrs E Hannaford	Councillor D J Willmott
Councillor Mrs A Hayhoe	Councillor Mrs P Winchcombe
Councillor C P G Hoddinott	Councillor A S Wood
Councillor C P Humphries	

### **APOLOGIES FOR ABSENCE:**

Councillor N D Carter	Councillor P L Colling
Councillor Mrs S M Findlay	Councillor Mrs J M Giles
Councillor J D Percy-Caldwell	

## **PART 1**

**Items considered whilst the public were entitled to be present**

### **51.MINUTES**

On the submission of the minutes of the Council meeting held on 14<sup>th</sup> December 2004, a Member referred to minute no. 48, Report of the Independent Remuneration Panel for Members' Allowances. She said that the last sentence of the minute did not adequately reflect the statement made by the Chairman of the Remuneration Panel after the

Council had made its decisions on the Panel's report. She then moved a rewording of that sentence and it was duly seconded.

On the matter being put to the vote, the motion was defeated and the minutes were then approved as a correct record and signed by the Chairman.

## **52. DISCLOSURES OF INTEREST**

No disclosures were made.

## **53. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL, LEADER OF THE COUNCIL AND CHIEF EXECUTIVE**

The Chairman made the following announcements:-

### **1. Chairman of Parish Council**

The Chairman welcomed the Chairman of Everleigh Parish Council who was attending the Council meeting under the Council's practice of inviting the Chairmen of Parish Councils/meetings and the Mayors of Town Councils, to attend on a rota basis. The Chairman hoped that he found the business of the Council interesting.

### **2. MS Sponsorship**

The Chairman stated that she had an MS sponsorship form for the Devizes to Westminster canoe race and asked Members to support her by signing it after the meeting.

### **3. Party**

The Chairman said that she was arranging for a party to be held on the evening on 8<sup>th</sup> April and that all Members of the Council and of the staff were invited to attend with their partners. More details would be circulated shortly.

There were no announcements from the Leader of the Council or from the Chief Executive.

## **54. QUESTIONS BY MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

## **55. COMMUNITY DEVELOPMENT EXECUTIVE COMMITTEE – 18<sup>TH</sup> JANUARY 2005**

The minutes of the meeting of the Community Development Executive Committee held on 18<sup>th</sup> January 2005 were submitted by way of report. Arising therefrom -

1. Minute no. 45 – Introduction of Parking Charges in Devizes Market Place

On the submission of this item of the minutes, a Member of the Council stated that she hoped it would be possible to consult formally with the other interested and affected organisations in the Town, including the Town Council, the Chamber of Commerce and the DDP etc.

Another Member then sought information about the powers of the Time Limited Sub-Committee referred to in resolution (3) and was advised that it had full delegated powers, exactly as set out in the resolution. Two Members then sought further clarification but the Chairman of the Committee said that he had nothing to add to what was printed in the minute. In response to a further enquiry, the Chairman confirmed that the Sub-Committee was authorised to reach a decision and would not need to refer the matter back to the Community Development Executive Committee.

2. Minute no. 47 – Adoption of Replacement Leisure and Arts Strategy 2005-2008

On consideration of the recommendation contained in this minute, it was: -

**RESOLVED**

**THAT** the Council adopt the replacement strategy as printed.

**56. PLANNING POLICIES EXECUTIVE COMMITTEE – 17<sup>TH</sup> DECEMBER 2004 AND 20<sup>TH</sup> JANUARY 2005**

The minutes of the meetings of the Planning Policies Executive Committee held on 17<sup>th</sup> December 2004 and 20<sup>th</sup> January 2005 were submitted by way of report. Arising therefrom -

1. Regional Spatial Strategy

The Chairman of the Committee reported that he was unable to report back on the response of the Regional Assembly to the Regional Spatial Strategy matter referred to in Minute no. 42 (1) of the minutes of the last meeting of the Council as that body was not due to meet until 25<sup>th</sup> February 2005.

2. Minute no. 33 – Draft Local Development Scheme and Statement of Community Involvement for Kennet/Report on Consultation

In response to an enquiry from a Member of the Council about the Council's affordable housing policy as referred to in the first paragraph on page 18 of the minutes, the Chairman of the Committee said that the Council's policy was not too stringent and there was no need to change it.

## **57. JOINT EXECUTIVE COMMITTEES – 1<sup>ST</sup> FEBRUARY 2005**

The minutes of the meeting of the Joint Executive Committees held on 1<sup>st</sup> February 2005 were submitted by way of report. Arising therefrom -

1. Minute no. 4 – Budget Strategy 2005-2006

The Chairman of the Committee said that the recommendation in this minute would be taken with Council agenda item no. 7 following.

A Member then referred to the debate during the meeting about proposed investment in the Pewsey area and enquired when the necessary report would be submitted. In response, he was advised that the report was to be submitted to the next meeting of the Community Development Executive Committee.

2. Development of Land at Parcel 2 at the Northgate, Devizes

On consideration of the recommendation contained in this minute, it was: -

### **RESOLVED**

**THAT** the Council: -

- (1) approve the disposal of the land shown at Appendix 1 to Sarsen Housing Association for a price of £100, based on the principles set out in the report and subject to the advice of the Council's valuer;
- (2) sanction the use of the investment model described to refinance the completed development;
- (3) grant delegated authority to the Director of Resources to agree the final level of investment return, the rents to be charged and the proportionate split on any revenue and capital surpluses generated; and

- (4) authorise Officers of the Council to enter into such agreements as are necessary to implement the scheme proposed in the report.

#### **58. RESOURCES EXECUTIVE COMMITTEE – 1<sup>ST</sup> FEBRUARY 2005**

The minutes of the meeting of the Resources Executive Committee held on 1<sup>st</sup> February 2005 were submitted by way of report. There were no matters arising.

#### **59. OVERVIEW AND SCRUTINY MANAGEMENT BOARD – 8<sup>TH</sup> FEBRUARY 2005**

The minutes of the meeting of the Overview and Scrutiny Management Board held on the 8<sup>th</sup> February 2005, were submitted by way of report. Arising therefrom:-

1. Minute no. 33 – Interim Report of the Tourism and IT Task Group

On the submission of this item of the minutes, the Chairman of the Task Group referred to the debate at the Board meeting as recorded in the minutes and said that the Task Group had worked with the information and resources that it had been given. They had kept the Chairman informed of their progress and it was therefore incorrect to say that their methodology was incorrect. In response the Chairman of the Board said that the Task Group should not take the views of the Board as personal criticism, and acknowledged that there was still a lot to do before the task Group completed its task.

#### **60. REGULATORY COMMITTEE MEETINGS**

The minutes of the meetings of the Regulatory Committee held on 16<sup>th</sup> December and 21<sup>st</sup> December (site meeting), 6<sup>th</sup> January, 17<sup>th</sup> January (site meeting), 27<sup>th</sup> January and 7<sup>th</sup> February (site meeting) 2005 were submitted by way of report. There were no matters arising.

#### **61. HUMAN RESOURCES COMMITTEE – 3<sup>RD</sup> FEBRUARY 2005**

The minutes of the meeting of the Human Resources Committee held on 3<sup>rd</sup> February 2005 were submitted by way of report. Arising therefrom -

1. Minute no. 39 – The Local Government Act 1972 – Section 100 (A)

On the submission of this item of the minutes, a Member stated that he was concerned that paragraph 11 of Schedule 12A was being misused and that many of the staffing items should have, in his opinion, been taken in the public session of the meeting.

In response, the Chief Executive said that he acknowledged the concerns and would arrange to review the Council's practices in this regard. He went on to say that it was really a matter of judgement rather than of fact on many occasions and that sometimes, whilst a printed report might have no exempt details in it, the debate that it generated would be of an exempt nature.

2. Minute no. 41 – Homeworking Policy

On the submission of this item of the minutes, the Chairman of the Overview and Scrutiny Management Board said that he had been advised that his Board could not “call-in” matters of this nature but was concerned that the Human Resources Committee did make policy decisions that might have important implications for the Council.

In response, the Solicitor to the Council confirmed that the Constitution did not permit the “call-in” of Human Resources Committee decisions although it was possible to carry out a review of the impact of policies.

3. Minute no. 45 – Tree Inspection Officer

On the submission of this item of the minutes, a Member said that he would be contesting the wording of paragraph two of the minute at the next Committee meeting as he did not consider that an “estimate” of the likely costs of putting the work out to the public sector had in fact been given.

**62. COUNCIL TAX 2005-6**

(1) Introduction

The Council gave consideration to the setting of the Council Tax, Revenue Budget and Capital Programme for the Kennet District for the financial year 2005/2006. In so doing, Members had regard to the recommendations of the Joint Executive Committees, as set out in minute no. 4 of the minutes of their meeting held on 1<sup>st</sup> February 2005.

(2) Speech by the Leader of the Council

The Leader of the Council formally introduced the proposed budget for the Council, and referred Members to the draft resolutions as set out in the Appendix to the agenda.

The Leader of the Council explained the reasons behind the proposed budget. In particular, he referred to the long process that the Council had entered into, particularly through the hard work of the Budget Reductions Sub-Committee to achieve a

balanced budget.

In all of the circumstances facing the Council, particularly the implications of capping by the Government, the Leader of the Council said that he felt that there was no option other than to set a Council Tax of no more than a 5% increase compared to last year by withdrawing money from revenue reserves.

The full text of the Leader of the Council's speech is attached as Appendix A to these minutes.

The Leader of the Council then moved the proposed Council Tax setting resolutions, as set out in the Appendix to the agenda and incorporating the recommendations of the Joint Executive Committees meeting as set out in minute no. 4 of the minutes of their meeting held on 1st February 2005.

(3) Seconding of the Motion

The Chairman of the Council seconded the motion moved by the Leader of the Council.

(4) General Debate

A brief debate ensued amongst Members of the Council about aspects of the budget and the proposed Council Tax.

(5) Conclusion

Following the debate, the motion was put to the Council and it was -

**RESOLVED**

**THAT** the proposed resolutions concerning the Council Taxation, expenditure levels for 2005/2006 and related matters as set out in Appendix B to these minutes, be confirmed and adopted, and hence that the recommendation contained in minute number 4 of the minutes of the Joint Executive Committees held on 1<sup>st</sup> February 2005, be adopted.

**63. APPOINTMENT OF WILTSHIRE AND SWINDON CUSTOMER FIRST MANAGEMENT BOARD**

The Council considered a report by the Director of Resources with the aid of an oral report from the Council's e-Government Member Champion.

The e-Government Champion and the Chief Executive responded to questions from a Member of the Council concerning the working of the new Joint Committee and the responsibilities of the Council's two representatives thereon, confirming that they would work within the approved policies and budgetary allocations of this Council.

## **RESOLVED**

### **THAT -**

1. the Council become a member of a newly formed joint committee called the Wiltshire and Swindon Customer First Management Board;
2. the Council approve in principle the draft constitution for the Board and give delegated authority to the Director of Resources in consultation with the Solicitor to the Council to agree any minor drafting changes to the Constitution; and
3. the Leader of the Council and the Council's e-Government champion be appointed as the Council's representatives on the Board.

## **64. NOTICE OF MOTION – COUNCIL PROCEDURE RULE NO. 11**

Councillor A S Wood had submitted the following Notice of Motion:-

**THAT: - “in the event that the South West Regional Assembly is wound up this Council will not accept any responsibility for the pension rights of the Board and its employees, and that the Chief Executive of the South West Regional Assembly be so advised”.**

The Notice of Motion was moved and seconded and, in accordance with Council Procedure Rule no. 11, stood referred without debate to the Resources Executive Committee for consideration and report.

## **65. NOTICE OF MOTION – COUNCIL PROCEDURE RULE NO. 11**

Councillor Mrs M S N Taylor had submitted the following Notice of Motion:-

**THAT: - “ In order to give more opportunity to younger and working residents to stand for Kennet District Council Elections we propose that meetings of Kennet should be held in the evenings”.**

The Notice of Motion was moved and seconded and, in accordance with Council Procedure Rule no. 11, stood referred without debate to the Resources Executive Committee for consideration and report.



## **66. APPOINTMENT OF SPECIAL SELECTION COMMITTEE**

The Council considered the agenda item on this subject:-

### **RESOLVED**

#### **THAT**

- (1) a Special Selection Committee be appointed to make recommendations to the Annual Meeting of the Council on 10<sup>h</sup> May about the annual review of political balance and representatives on outside bodies; and
- (2) the size of the Committee be set at 8 Members.

**Note:** The political balance for this Committee will therefore be:-  
Conservative and Independent: 5 Members, Independent: 2 Members, and Liberal Democrats: 1 Member.

## **67. MEMBERSHIP OF THE STANDARDS COMMITTEE**

The Council was advised that there had been two resignations from the Standards Committee.

The process to attract new applicants had been commenced but arrangements needed to be put in place for making the appointments.

The power to make the appointments lay with the full Council but to make the process more manageable it was suggested that a small panel of five Members should be set up to interview applicants and make the appointments.

### **RESOLVED:**

#### **THAT:-**

1. that a panel of five Members, politically balanced (consisting of three Conservatives & Independent Members, one Independent Member and one Liberal Democrat Member) be set up with full delegated powers to make the replacement appointments to the Standards Committee; and
2. that the Monitoring Officer be authorised to draw up a shortlist of applicants for each vacancy in order to ensure that applicants come within the statutory criteria.

## **68. THE PROVISION OF POLLING PLACES IN THE KENNET DISTRICT**

The Council considered the report by the Chief Executive and Returning Officer who orally highlighted the salient features.

The Chief Executive and Returning Officer explained that the Council set the “polling places” i.e. the towns and villages which would have polling stations but that it was his function as Returning officer to set the actual “polling stations”. He then explained the various criteria which were used to identify suitable polling stations, including accessibility, facilities, numbers of voters etc. He confirmed that, where polling stations were proposed to be moved or closed, voters would be notified in writing and given the option of registering for postal votes.

A wide-ranging debate ensued during which the Chief Executive and Returning Officer responded to observations and questions from many Members of the council about detailed aspects of the report and individual polling station locations. He also confirmed that Members were welcome to submit suggestions direct to him during the next ten days but after that time it would be necessary for him to set and implement the final polling station list.

In conclusion, it was –

### **RESOLVED**

**THAT** - the schedule of polling places and stations set out in the report be adopted, save that;

- (1) the polling place for Polling District XL1 be amended to read “a suitable venue within Roundway”; and
- (2) the polling place for Polling Districts WN1 and WN3 be amended to read “a suitable venue within Marlborough”.

## **69. SELECTION OF CHAIRMAN OF THE COUNCIL**

In accordance with the Council’s selection procedure, the Council gave consideration to the Selection of a Chairman of the Council for the Municipal Year 2005/2006 for nomination for election at the Annual Meeting of the Council on 10<sup>th</sup> May 2005.

Councillor P W Richardson was proposed and seconded for nomination for election and there were no other nominations.

## **RESOLVED**

**THAT** Councillor P W Richardson be nominated for election as Chairman of the Council at the Annual Meeting of the Council on 10<sup>th</sup> May 2005.

Councillor Richardson thanked the Council for its confidence and support.

## **70. SELECTION OF VICE-CHAIRMAN OF THE COUNCIL**

In accordance with the Council's selection procedure, the Council gave consideration to the Selection of a Vice-Chairman of the Council for the municipal year 2005/2006 for nomination for election at the Annual Meeting of the Council on 10<sup>th</sup> May 2005.

Councillor J J Kunkler was proposed and seconded for nomination for election and there were no other nominations.

## **RESOLVED**

**THAT** Councillor J J Kunkler be nominated for election as Vice-Chairman of the Council at the Annual Meeting of the Council on 10<sup>th</sup> May 2005.

Councillor Kunkler thanked the Council for its confidence and support.

## **PART 2**

### **Items considered whilst the public were excluded from the meeting**

None

Chairman  
19<sup>th</sup> April 2005