

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, 4th September, 2007 at 2.15 pm

PRESENT: Councillor Mrs P M Winchcombe – Chairman

Councillor A Adamson	Councillor C P G Hoddinott
Councillor K R F Beard	Councillor C Howard
Councillor G Brewer	Councillor C P Humphries
Councillor D Campbell	Councillor J J Kunkler
Councillor A Connolly	Councillor A Lake
Councillor S Dagger	Councillor Mrs L Mayes
Councillor S Dobson	Councillor S Miles
Councillor Mrs P Dow	Councillor A Molland
Councillor A Duck	Councillor J Ody
Councillor Mrs S Evans	Councillor R Parsons
Councillor P Evans	Councillor Mrs N G Rawlins
Councillor Mrs S Findlay	Councillor J Seed
Councillor Mrs E Fogg	Councillor Mrs J Triggs
Councillor N Fogg	Councillor B Twigger
Councillor R Gamble	Councillor P Veasey
Councillor Mrs J M Giles	Councillor S Wheeler
Councillor L Grundy	Councillor C Williams
Councillor Mrs A Hayhoe	Councillor A S Wood
	Councillor Mrs S Zweck

APOLOGIES FOR ABSENCE:

Councillor J Beinhorn
Councillor P Brown
Councillor D Willmott

PART 1

Items considered whilst the public were entitled to be present

65. MINUTES

The minutes of the meeting of the Council held on the 24th of July 2007, were approved as a correct record and signed by the Chairman.

66. DISCLOSURES OF INTEREST

Councillors A Molland and CP Humphries both declared a personal interest in the items on the agenda relating to the formation of the unitary council in that they were also members of Wiltshire County Council. They remained in the chamber took part in the debates, and voted.

67. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL, LEADER OF THE COUNCIL OR CHIEF EXECUTIVE

The Chairman made the following announcements: --

1) Civic Service

The Chairman reminded Council that she had reinstated the annual civic service which would take place at St Mary's Church, Devizes in October.

2) Quiz/Fundraising Event

The Chairman announced that she would be holding a quiz/fundraising event at the Bear Hotel Devizes in November. Further information would be sent to members soon.

3) Christmas Party

A Christmas party for both members and officers would be held on the 14th of December, 2007.

The Leader of the Council made the following announcement: --

1) Training for Councillors

The Leader of the Council reminded members that a series of courses were being held by the Wiltshire Improvement Partnership in conjunction with I&DeA.

Members who had attended these courses had commented on how useful they were and he urged other members to make use of the training being provided.

There were no announcements by the Chief Executive.

68. QUESTIONS BY MEMBERS OF THE PUBLIC

There were none.

69. APPLICATION FOR UNITARY STATUS - JUDICIAL REVIEW

The Council considered the report of the Head of Legal Services on the status of the proposed challenge, by way of judicial review, against the Secretary of State for Communities and Local Government.

The Head of Legal Services indicated that the council had been advised that they had a strong case for judicial review but also reminded the council that the powers contained in the Bill would become law on or around the sixth of November 2007. Proceedings in the High Court had not yet been issued as North Wiltshire District Council was debating the matter on the same day and it would be useful to know whether or not they would join in the action it in common with Kennet District Council, West Wilts District Council and Salisbury District Council.

The Council would need to consider whether or not it wish to proceed with a judicial review in light of the fact that in legal proceedings there was never any guaranteed outcome.

In response to question the Head of Legal Services indicated that the application for judicial review being made by Shrewsbury and Atcham District Council would be heard in the High Court on the 12th and 13th of September 2007 and it was likely that the decision of the High Court would be given by the 19th of September.

The Council was informed that Kennet District Council had full access to all correspondence with regard to those unitary applications which had been refused by the Department of Communities and Local Government and had been able to take this into account when formulating its own case.

Members thanked the Head of Legal Services for his work in putting together the judicial review application.

RESOLVED:

THAT the Council makes application to the High Court for judicial review of the decision of the Secretary of State for the Department of Communities and Local Government to implement a unitary authority for the whole of Wiltshire excluding Swindon.

70. DCLG CONSULTATION - COUNCIL'S PROPOSALS FOR UNITARY LOCAL GOVERNMENT - AN APPROACH TO IMPLEMENTATION

The Council considered a report by the Chief Executive seeking Council's instructions as to any comments they might wish to make in response to a paper published by the Department of Communities and Local Government setting out the government's current intentions as the approach for implementing unitary councils. The document did not deal with the merits of creating new unitary councils but would form the basis of discussions with affected councils and the secondary legislation that would be needed. Responses were required by the 28th of September 2007.

The Leader of the Council indicated that he understood members reluctance to get involved with the actual implementation proposals for unitary councils but it was important for the Council to address matters that would have to be implemented if the progression to unitary status was not halted.

Both the Director of Resources and the Head of Legal Services answered questions from members on procedural matters that would have to be attended to whether or not the judicial review was a success. Members were reminded that even if the judicial review was a success the government could still press ahead with its scheme either by further legislation or by taking account of the views of the High Court.

Two of the main decisions to be made revolved around the date that elections should be held for the unitary authority and the vesting date for the unitary authority.

The paper also set out proposals with regard to various administrative and technical matters such as staffing, finance and the letting of contracts where there was less scope for politically significant choice.

RESOLVED

THAT: The Council responds to the discussion paper "Councils Proposals for Unitary Local Government - an Approach to Implementation " in respect of elections and vesting day as set out below: -

1. subject to the outcome of the judicial review any election should not take place before May 2009,
2. vesting day for the coming into operation of the unitary authority should be the first of April 2009, and
3. the Chief Executive be instructed to negotiate for two members of Kennet District Council to sit on the Joint Implementation Committee to be formed by the Transitional Authority.

80. MINIMUM SERVICE STANDARDS

The Council considered a report by the Director of Resources explaining the need for, and recommending the process for determining what were the minimum standards that should apply in the time between now and the " vesting day" for a new unitary authority for Wiltshire.

The Director of Resources stressed to the council that it was necessary to adopt a twin tracking approach to the question of the unitary authority and that whilst making application for judicial review it was necessary to plan for the eventuality that the unitary authority would go ahead. It was not in the interests of the public, members of the Council, or staff to ignore the possibility of a unitary authority going ahead. The intention was that any handover of power to the unitary authority should be as smooth and professional as possible.

The report set out the process by which the maintenance of minimum service standards would be achieved by prioritising such things as statutorily necessary work down to work that it was not legally necessary to perform.

RESOLVED:

THAT:-

1. the Council endorses the concept of setting minimum service standards; and
2. commends a process of setting realistic, minimum service standards to the relevant committees during the forthcoming round of committee meetings.

81. STAFF RETENTION

The Director of Resources and the Human Resources Services Manager presented a joint report explaining the need for a scheme for staff retention to ensure the maintenance of essential services, and make recommendations for this, to be effected during the period between now and the "vesting day".

The announcement by the Secretary of State had inevitably caused staff to worry about their futures and within one week of the announcement a number of staff had taken steps to leave the council's employment.

The report set out the various steps that had already been taken with regard to stopping recruitment generally across all the five councils in Wiltshire and the agreeing of a protocol on the handling of vacancies in order to minimise the number of people who had to be made redundant. However, as the situation progressed the position would arise that key staff would need to be encouraged to remain in order to maintain essential services. It was necessary for the council to be prepared for that eventuality.

The Director of Resources answered a number of questions from members with regard to the amount of money to be set aside for this purpose and members were assured that either the sum suggested would be sufficient or if necessary a further decision could be made at a later date.

RESOLVED:

THAT:

1. A staff retention scheme with the criteria set out at parts eight and nine of the report be adopted;
2. The Chief Executive be granted delegated authority to decide on the application of the scheme to individual staff subject to consultation with the Leader of the Council and Chairman of the Human Resources Committee; and
3. A budget of £100,000 to set aside to meet the costs of a staff retention scheme, to be funded by virement from existing budget heads.

82. CAPITAL PROGRAMME

The Director of Resources presented a report on the results of a review of the Council's capital budget for 2007/2008 and 2008/2009.

The council was reminded that the capital programme for the years in question had been prepared on the assumption that the council would remain in being. The decision to move to a unitary authority meant that it was necessary to reassess the capital programme. The review had been undertaken on the assumption that the Council would not wish to continue with anything other than essential expenditure on its own assets such as vehicles, ICT equipment and public offices for the obvious reason that such expenditure would prove to be a waste of public money. On the other hand, capital expenditure on community assets had been retained in the programme but removing planned expenditure on infrastructure reduced the capital programme significantly.

The report set out possible uses of the surplus revealed by the revised estimate and what could be achieved by spending the £2,600,000 on different projects.

Members broadly welcomed the proposals and were assured by the Director of Resources that should the move to a unitary authority not be proceeded with it would be possible for members to reinstate the original capital programme in two years time should they so wish.

With regard to the proposal to allocate the sum of £1.3 million for investment in community assets members raised a query with regard to item 6 of the policy for assessing bids for funding set out in the appendix to the report. Members were concerned that with a large number of local organisations making application for the funds it would not be possible for match funding organisations to achieve the required 60 % match funding to comply with the council's criteria.

The recommendations set out in the report were moved and seconded subject to an amendment that provided for a degree of flexibility in the proportion of the total scheme to be guided by match funding. An amendment to this proposal was moved and seconded to the effect that Kennet District Council should provide a minimum of 80% of the funding for such schemes. On being put to vote this amendment was defeated.

RESOLVED:

THAT:

1. The capital programmes for 2007/2008 and 2008/2009 be amended to remove uncommitted expenditure on information and communications technology, vehicles and equipment, and public buildings save for a contingency to meet emergency expenditure on those items, saving £2.6 million;
2. The sum of £1.3 million be added to the 2007/2008 and 2008/2009 capital programmes for further investment in subsidised, rented social housing;

3. The sum of £1.3 million be added to the 2007/2008 and 2008/2009 capital programmes for further investment in community assets;

4. The procedure and decision-making criteria in respect of the additional investment in community assets be as set out at the appendix to the report subject to the content of policy item number 6 being changed to read as follows "Ideally provide a maximum proportion of the total scheme cost of 40% but will consider a case whereby the match funding element should be reduced".

83. EARLY REVISED REVENUE BUDGET

The Council considered the report of the Director of Resources presenting the results of a review of the council's revenue budget for 2007/2008 prepared as a consequence of the prospect of the unitary authority coming into being.

The review revealed an excess of revenue reserves over those planned of £290,414. The proposals set out in the Local Government and Public Involvement in Health Bill precluded any significant use of revenue balances when setting the council tax for the 2008/2009 financial year. The Bill also made provisions with regard to the entering into of revenue based contracts in excess of £100,000. The intention of the relevant clause in the Bill was to prevent outgoing local authorities from eliminating reserves or leaving expensive revenue contracts in place for the new authority to deal with.

However, it would be possible to use the excess of revenue reserves at the end of the current financial year to provide support for community groups and projects in the form of one-off grants in 2007/2008, without reducing revenue reserves below the level already planned.

RESOLVED: that the 2007/2008 budget for grants to voluntary organisations be increased by £290,000.

84. APPOINTMENT OF SECTION 151 OFFICER

The Council considered the report of the Director of Resources on the appointment of a new Section 151 Officer in place of the Director of Resources.

Section 151 of the Local Government Act 1972 required local authorities to appoint an officer to be responsible for the proper financial administration of its affairs and whatever their formal title, such officers were commonly known as the "Section 151 Officer".

The current section 151 Officer was the Director of Resources who would be retiring at the end of 2007 and it was considered to be opportune and administratively more effective to appoint his successor now. This would leave the Director of Resources better able to deal with the problems arising from the move to a unitary authority.

RESOLVED:

THAT:

1. Mr Andrew Hart the current Finance Services Manager, be appointed as the Council's Section 151 Officer with immediate effect; and
2. The Chief Executive be granted delegated authority to agree any consequential change in salary following a job evaluation review by the Human Resources Services Manager.

PART 2

Items considered whilst the meeting was close to the public

None

Chairman
23rd of October 2007