

**Draft Minutes of the Council Meeting held on Tuesday 24 April 2007 at the Council Offices, Monkton Park, Chippenham.**

**Present:**

Chairman.....Councillor P.R. Davis

Councillors D.B. Allen, HR Barton, TAP Briggs, NS Bryant, AM Bucknell, CR Coleman, C Crisp, HM Dixon, KA Dixon, SK Doubell, DJE Evans, PG Green, GR Greenaway, MEM Groom, MP Hatton, IJ Henderson, RJ Henning, JR Ireland, ASR Jackson, HT Jones, RB MacGregor, NT Maidment, SB Meadowcroft, SD Meadows, DM Moore, TJA Northey, G Offord, NM Phillips, JM Read, PS Roberts, JH Rooke, M Rousell, JA Scott, SL Scruton, TR Sturgis, OJ Thomas, JPSS Thomson, RL Tonge, AJ Trotman, SR Walls, C Wannell, J Webb and JM Wood.

**Officers Present:** D Burbidge (Chief Executive), A Inkpen (Principal Environmental Health Officer), P Jeremiah (Team Leader Legal Services) and M Todd (Senior Democratic Services Officer).

**C105. Apologies for Absence**

Apologies for absence were received from Councillors PG Allnatt, AR Baines, AL Davis, VH Greenman, C O’Gorman and C Reid.

**C106. Minutes**

The Minutes of the Council meetings held on 22 February and 2 March 2007 were considered.

**Resolved** that the Minutes of the Council Meetings held on 22 February and 2 March 2007 be approved as a correct record.

**C107. Declarations of Interest**

- (1) Councillors J Webb and HM Dixon declared personal interests in minute number C122 as they had relatives serving in the Forces.
- (2) Councillor MP Hatton declared a personal interest in minute number C122 as he worked for the Ministry of Defence

**C108. Chairman’s Announcements**

(a) Long Service Awards

The Chairman presented long service awards to Councillors NS Bryant, HT Jones, RB MacGregor, DM Moore, JA Scott, TR Sturgis and JP Thomson. He also presented an engraved plaque to Councillor ASR Jackson in recognition of 40 years service.

(b) Presentations to Staff

The Chairman paid tribute to several staff members who had helped him over the years and presented them with bouquets.



(c) Councillor DM Moore

The Chairman informed Members that Councillor Moore had resigned from the Liberal Democrat Group. Councillors Moore and Ireland had given notice to the Proper Officer that they wished to be treated as a Political Group which would be known as the UK Independence Group. Councillor Moore would be the leader of this Group.

Although Group changes could potentially affect the allocation of seats at committees a review was not necessary until the Annual Council meeting as the numbers and calculations had not significantly altered for any meetings before that date.

(d) Retirement of Members

As this was the last Council meeting before the elections on 3 May, the Chairman thanked all those members who would not be standing again for their dedication and hard work over many years of service.

**C109. Public Question Time/Receipt of Petitions**

Mr Bernie Ross from Corsham asked the following question:

Does North Wiltshire District Council consider that best practice, including a fully transparent and democratically accountable process, was followed in the recent decision to end one hour's free parking in Corsham?

Councillor DJE Evans, Executive Member, responded as follows:

Yes, I do think that the process was fully transparent and democratically accountable.

Consultation about the budget priorities was carried out at the District Council's Corsham Area Committee before the budget was set on 22 February. Following the setting of the budget, the increase in car parking charges necessary were considered by the Car Parking Working Group who made recommendations to the Executive. Meetings of the Working Group were open to all members of the Council and the case to retain free car parking in Newlands Road Corsham was strenuously argued by Cllr. Peter Davis. This was acknowledged by the Working Group, which recommended a charge of 30p for the first hour and not 50p as originally proposed.

The recommendation was accepted by the Executive at its meeting on 15 March, where once again all members of the Council had an opportunity to express a view.

The Council had a contractual commitment to consult Martingate Ltd and Somerfield about the proposed changes at Newlands Road car park and consequently, the final decision was delegated to the Strategic Manager for Customer services in consultation with myself.

As expected both Martingate Ltd and Somerfield advanced cogent arguments in favour of retaining the first hour free at the Newlands Road car park. These arguments had to be balanced against wider district strategic issues as a whole. Consequently, the decision was taken to charge 30p for the first hour

and 80p for up to two hours. However, in recognition of the arguments to the contrary, a commitment was given to Martingate Ltd and Somerfield to monitor the situation and the charges will be reviewed 6 months after the implementation. The new charges were advertised in the Gazette and the car park and will be implemented on 8 May 2007.

Mr Ross then asked the following supplementary question:

Could the Cabinet Member give an assurance that the decision to introduce parking charges for the first hour in Corsham would be reversed if the six monthly review showed that business had suffered in Corsham as a result?

Councillor DJE Evans stated that he was unable to give any such assurance at this stage as he could not pre-empt the decision of the person or body who would be conducting the review.

#### **C110. Question Time**

No questions had been received from Councillors.

#### **C111 Smoke Free Regulations**

The Council considered report number 7 which sought delegated authority to spend funding which had been allocated by the Department of Health to enforce smoke free regulations during the 2007/08 financial year.

##### **Resolved that:**

- (1) the Environmental Health Team Leader be given delegated authority to authorise officers to carry out enforcement duties on behalf of the Council under Part 1 of the Health Act 2006 (Smokefree Premises, Places and Vehicles) and any Regulations made under that part of that Act. This will include the investigation of potential offences of smoking in smokefree places and failing to prevent smoking in smokefree premises, the issuing of fixed penalty notices under section 9 of the Act and using the power of entry conferred on authorised officers by Schedule 2.
- (2) the Environmental Health Team Leader be authorised to spend up to a maximum of £52, 173 from the grant payable to North Wiltshire District Council as a result of the determination of the Secretary of State for Health on 21 December 2006 for the purposes of enforcement of smokefree legislation and on publicity and education. The education and enforcement activity to be facilitated by the creation of one dedicated post for a period not exceeding 12 months.
- (3) the budget be allocated on a “contingent” basis, only to be released on evidence of a programme. The release of the budget would be triggered through the monthly revenue monitor.

### **C112 Council Procedure Rules**

The Council considered report number 8 which asked Members to consider an amendment to the Council Procedure Rules.

**Resolved** that the Council Procedure Rules be amended by the inclusion of an additional procedural rule relating to Motions on Notice to provide that every Motion must relate to Council Functions.

### **C113 Delegation to Officers**

The Council considered report number 9 which asked Members to consider amending the Scheme of Delegation to Officers and specific delegations to Strategic Managers necessitated by the recent management restructure.

**Resolved** that the following amendments to the general Scheme of Delegation and specific delegations to Strategic Managers be agreed:

- (1) All delegations presently exercisable by the Community & Environment Strategic Manager are to be exercised by a Deputy Chief Executive.
- (2) All delegations presently exercisable by other Strategic Managers are to be exercised by a Deputy Chief Executive once each post is formally deleted from the establishment.
- (3) All delegations exercisable by a Deputy Chief Executive also to be exercisable by the Chief Executive.

### **C114 Members' Allowances Scheme – Municipal Year 2007/08**

The Council considered report number 10 which asked Members to set the Members' Allowances Scheme for the municipal year 2007/08.

The following issues were discussed:

- It was suggested that Members' Allowances should be frozen this year.
- Some Members' stated that allowances should be increased to encourage a wider range of people to stand as Councillors. People should not be discouraged from standing due to financial reasons.
- Members discussed the rate of travel allowances and whether these should be set at the Inland Revenue rate.
- It was also pointed out that the exclusion of travel by taxi from the scheme could be discriminatory as this may be the only way that some people could travel if they were disabled or lived in an area not served by public transport.
- Members stressed the importance of the Independent Remuneration Panel reviewing the Allowances Scheme to ensure that it was fair and in line with other Councils in the area. The Review Panel was due to meet in the next year to review the scheme and make recommendations to the Council.

**Resolved that:**

- (1) There be no increase in Members' Allowances for the Municipal Year 2007/08.
- (2) Mileage rates be paid at the Inland Revenue Rate.
- (3) In Appendix 2 of the report under the heading "Travel Allowances 2007/08" the words "excluding taxis" be deleted from the first sentence.

**C115 Standards Committee – Independent Members**

The Council considered report number 11 which set out the recommendations of the Standards Committee on the appointment and terms of office of Independent Members of the Standards Committee.

**Resolved that:**

- (1) the term of office of each of the current Independent Members of the Standards Committee be extended for a period of 12 months.
- (2) an additional Independent Member be appointed to the Standards Committee to serve for a three year term expiring in May 2010.

**C116 Report of the Performance Management Task Group**

The Council considered report number 12, the report of the Performance Management Task Group and the recommendations of the Overview and Scrutiny Committee from its meeting held on 29 March 2007.

**Resolved that:**

- (1) The Council identifies the PIs that align to the Corporate Plan and CPA scorecard.
- (2) The Council produce revised action plans, for PIs identified above, with clear quarterly targets to achieve realistic improvements during the year 07/08, for those in the lower median.
- (3) The Council produce an action plan for PIs aligned to the Corporate Plan which at present are in the upper median to ensure these do not deteriorate.
- (4) The Council agrees which mandatory PIs are not included above and set appropriate targets.

- (5) The monitoring of these plans should be reported to the Overview & Scrutiny Committee within one month of each quarter's end.
- (6) The new Corporate Plan includes a list of non-priorities to ensure no resources are wasted in developing targets or action plans.
- (7) The completed action plan attached to the Audit Commission Report on performance Management is presented to the Overview and Scrutiny Committee, who then decide how the monitoring should be reported.

#### **C117 Final Accounts and Audit Committee – Terms of Reference**

The Council considered report number 13 which asked Members to approve a change to the Terms of Reference of the Final Accounts and Audit Committee. Members also considered the recommendations from the Final Accounts and Audit Committee meeting held on 16 April 2007.

**Resolved** that the revised Terms of Reference of the Final Accounts and Audit Committee be adopted as set out in Appendix 1 of the report.

#### **C118 Calendar of Meetings 2007/08**

The Council considered report number 14 which asked Members to approve the draft calendar of meetings for 2007/08. It was noted that the Development Control Site Visit dates and key training dates for new members would be included in the final version of the Calendar.

**Resolved** that the Calendar of Meetings be approved subject to the following amendments:

- (1) The Annual Council Meeting be held at 7pm on Wednesday 16 May 2007.
- (2) An additional meeting of the Joint Safety Committee be held at 3pm on Wednesday 27 June 2007.

#### **C119 Quarterly Report on Special Urgency Decisions**

The Council considered report number 15 which informed Members of any Key Decisions taken by the Executive in circumstances of special urgency since 30 November 2006.

**Resolved** that the report be noted.

#### **C120 Report on Decisions Exempt from Call-In Procedure**

The Council considered report number 16 which informed Members of decisions not subject to call-in taken by the Executive since the last Council meeting.

**Resolved** that the report be noted.

**C121 Questions from Councillors – Council Procedure Rule 14.1**

No questions from Councillors were received.

**C122 Notices of Motion – Council Procedure Rule 15**

Councillor J Webb moved and Councillor HM Dixon seconded the following motion:

“This Council is aware of the situation in which British forces and their families who are stationed overseas cannot receive parcels free of charge as they could in 2003.

This Council believes that the situation is both an appalling and disgraceful way to treat our dedicated and hardworking troops and their families given the hardships that they face in the world’s hotspots and war zones and therefore asks that the Government reinstates this service as a matter of urgency.

In addition this Council calls upon:

1. Each of its Town and Parish Councils to offer their support to the Motion.
2. Each other District in Wiltshire & the County Council to offer their support to this Motion.
3. Each District & the County Council to invite the Town and Parish Councils in their area to support this Motion.”

Members spoke in favour of this motion and supported the proposal, however, they did not feel that there was a need to call upon other Local Authorities to support the motion. It was therefore,

**Resolved** that this Council is aware of the situation in which British forces and their families who are stationed overseas cannot receive parcels free of charge as they could in 2003. This Council believes that the situation is both an appalling and disgraceful way to treat our dedicated and hardworking troops and their families given the hardships that they face in the world’s hotspots and war zones and therefore asks that the Government reinstates this service as a matter of urgency.

The meeting started at 7pm and finished at 8.30pm.

There were 3 members of the public present.