

Draft Minutes of the Council Meeting held on Tuesday 4 September 2007 at the Council Offices, Monkton Park, Chippenham.

Present:

Chairman.....Councillor C Crisp

Councillors DB Allen, RMH Berry, CMR Boase, S Bodman, AM Bucknell, CJ Caswill, RAC Causer, RL Cinnamond, A Clements, PCB Coleman, PR Darby, JP Doubell, SK Doubell, PJ Doyle, GR Greenaway, H Greenman, MEM Groom, JL Hall, MP Hatton, IJ Henderson, JR Henning, AK Hill, PJ Hutton, T Jones, J Lay, RB MacGregor, S Meadows, SG Parker, JA Phillips, N Phillips, A Pier, HR Plenty, CV Ramsey, WF Roberts, RF Sanderson, JR Scragg, ML Singlehurst, SJ Still, TR Sturgis, JP Thomson, RL Tonge and AJ Trotman.

Officers Present: L Bell (Deputy Chief Executive), P Jeremiah (Legal Team Leader) and M Todd (Senior Policy and Democratic Services Officer).

C33. Apologies for Absence

Apologies for absence were received from Councillors KA Banks, J Hartless, E Marston, SB Meadowcroft, C Reid, P Roberts, JA Scott, VA Vines, AM Wannell, C Wannell and J Whincup.

C34. Minutes

The Minutes of the Council meeting held on 26 June 2007 were considered.

Resolved that the Minutes of the Council meeting held on 26 June 2007 be confirmed and signed as a correct record.

C35. Declarations of Interest

No declarations of interest were made.

C36. Chairman's Announcements

(a) Council Publication

The Chairman informed Members that the new style "Improving North Wiltshire" publication would be distributed to households across the district this month.

The publication, in its new format, was more customer focused providing lots of useful information and "did you knows" about the Council's services. It featured the Council's key priorities for the year ahead as well as an update on several services and projects.

(b) Members' Policy Day

The Chairman informed members that there was a Member Policy Day on Thursday 6 September.



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Two sessions were scheduled for members to discuss and contribute to the Transitional Corporate Plan and the Budget for 2008/09. The sessions would take place from 2.30pm - 5pm and 7pm - 9.30pm.

(c) AWARE Day

The Chairman reported that the Council was hosting “A Way for All to Respect the Earth” Business Forum on Friday 21 September, in partnership with the Wessex Chambers of Commerce.

The theme of this free event was “Being Green, Being Profitable” and it would provide information and advice to local businesses. The event was being held to raise awareness of climate change and to encourage better relationships within the local business community.

The Forum would feature guest speakers and trade stands offering services and products to encourage a more environmentally friendly approach.

The event would take place from 8.30am -11.30am in the Committee Rooms.

(d) Raising money for the League of Friends of Chippenham Hospital

The Chairman was delighted to promote a mini summer extravaganza to raise money for her chosen charity the League of Friends of Chippenham Hospital. The extravaganza would consist of a raffle with a prize draw which would take place on 5 September.

C37. Public Question Time/Receipt of Petitions

Mrs C Spickernell from Pewsey asked the following question:

Given the concern raised in the press about changes to the boundaries between Swindon and its adjoining areas and given the push for Unitary status, is North Wiltshire District Council aware of any move by Wiltshire Councils to ask the Boundary Commission for a review?

The Leader of the Council responded to this question as follows:

We realise the concerns that there are in Cricklade and Wootton Bassett about the possible incursion of Swindon into North Wiltshire and the desire of the residents in those towns to remain in North Wiltshire.

North Wiltshire District Council has not been informed of any moves by Wiltshire County Council or the other Districts to ask the Boundary Commission for a review of the boundaries. North Wiltshire District Council has not asked for a review.

Councillor Clements has told me that he will be submitting a motion to the next Council meeting on this subject. This will give members the opportunity to debate the desirability of making representations on the maintenance of the integrity of North Wiltshire’s boundaries.

In order to give a broader response Councillor John Thomson will write to you on behalf of the County Council and will be copying this to all North Wiltshire District Councillors.

C38. Question Time

Members asked the following questions relating to the minute book:

(a) Councillor SK Doubell – Minute No. C26 – Question Time

Councillor Doubell commented on the Chairman's decision to limit Question Time at Council meetings from 30 minutes to 15 minutes and asked whether the Leader agreed that questions on the minute book were the opportunity for backbench members to call the Executive and Committee Chairs to account for their actions. Would the Leader agree that seeking to limit the free questioning of the Executive was a diminution in both democracy and the transparent workings of the Council?

The Leader of the Council agreed that Question Time offered an opportunity for backbench members to hold the Executive to account. He stated that if 15 minutes was not sufficient the Chairman had the discretion to extend the time allocated.

(b) Councillor SK Doubell – Minute No. E39 – Introduction of Charges for Compost Collection in Pewsham, Chippenham

Councillor Doubell asked the Lead Member whether he agreed that Pewsham residents who retained two of the previous free garden waste bins at a total cost of £25 were being disadvantaged, in view of the fact that the two together take 220 litres, whilst the single bin offered to other residents in North Wiltshire took 240 litres for the same cost?

Are residents who take up the double bin being offered the new 240 litre bin and if not why not?

There are instances on the estate where residents will not pay for the previously free service, however full bins of garden waste are still being put out and left un-emptied to the detriment of the area. What is the lead member intending to do to address this?

Residents who have paid for a bin have not yet received their stickers, and have also not had unwanted bins collected. What will happen to these residents when this week's collection is done and when will the unwanted bins be collected?

Councillor Sturgis, Portfolio Holder for Waste and Sustainability responded by stating that residents of Pewsham had the opportunity to pay for a 240 litre bin if they wished. However, the cost of collection would be greater for a larger bin. The stickers would be sent out with the next collection round. The unwanted bins would be removed as soon as possible.

(c) Councillor CJ Caswill – Minute No. D33 – Development Control Items

Councillor Caswill asked why the Development Control Committee had voted in favour of the development on Land at the Former Cattle Market, Cocklebury Road, Chippenham in spite of this being against the wishes of local residents.

Councillor Thomson, Chairman of the Development Control Committee, responded stating that he had extended the time allowed for this item to enable a full discussion to take place. Legal advice had been made available to Committee members. The Committee had also agreed not to exclude the press and public from the meeting for this item. The decision had been taken fully in accordance with the democratic process.

(d) Councillor MP Hatton – Minute No. E30 – Leisure Centre Update

Councillor Hatton asked whether the Portfolio Holder for Leisure and Economy had met with the Cricklade Community and District Association. He also asked what budgetary provision had been made this year for the leisure centre.

Councillor Hatton also stated that he had recently been flooded and wished to place on record his thanks to Peter and Barry from the Cleansing and Amenities Team, who had brought sandbags out to local residents, for their help and support.

The Leader of the Council responded by stating that he would ask the Portfolio Holder for Leisure and Economy to inform Councillor Hatton whether he had met with the Association.

He stated that next year's budget had not yet been set so he was unable to give an answer regarding budget provision. However, no further commitment had been made by this Council to support the Cricklade Leisure Centre.

(e) Councillor J Scragg – Minute No. O15 – Chairman's Announcements

Councillor Scragg asked whether officers could note that "He" should not have a capital letter in the minutes of the Overview and Scrutiny Committee.

(f) Councillor PCB Coleman – Minute No. O32 – Rural Unitary

Councillor Coleman asked how the Council was going to give its response to the recently circulated discussion paper on the unitary proposals for Wiltshire. Responses were required by 28 September 2007.

The Leader of the Council responded by stating that this matter would be discussed at the Member Policy Day which would be held on Thursday 6 September. The response would be based on discussions held at the Policy Day rather than by a formal Council resolution.

C39. Scheme of Delegation to Officers

Consideration was given to Report No. 7 which sought to obtain delegated authority for officers to enforce the legislation relating to fly-tipping and related matters, including the duty of care.

Resolved that the delegations to officers set out in Annex 1 to the report be approved.

C40. Quarterly Report on Special Urgency Decisions

Consideration was given to Report No. 8 which informed the Council that no key decisions had been taken by the Executive in circumstances of special urgency since 24 April 2007.

Resolved that the report be noted.

C41. Questions on Notice from Councillors – Council Procedure Rule 14.2

There were no questions from Councillors.

C42. Notice of Motion – Council Procedure Rule 15

Councillor P Doyle moved and Cllr M Groom seconded the following motion:

“This Council supports Salisbury, West Wiltshire and Kennet District Councils in their application for judicial review of the Government decision to impose a Unitary Authority upon Wiltshire in the absence of significant public support.

Given the importance of local democracy and the scale of the proposed changes to local government in Wiltshire, Council further agrees to join with these three authorities in seeking that judicial review, subject to a financial expenditure limit of £10,000.

Further, given the lack of public consultation on the proposal for a unitary authority for Wiltshire, Council agrees to hold a public referendum in North Wiltshire to test and measure public support and provide an opportunity for expression of the democratic views of the public for a unitary council. Council further calls upon each of the other three District Councils in Wiltshire to carry out a similar exercise.”

The following issues were discussed:

- Some Members felt that it would be advantageous to support the scrutiny of the Government’s unitary proposals which would take place under a judicial review.
- Members noted the significant cost (between £100k and £150k) which would be incurred if a referendum were to take place. A referendum could take up to three months by which time the results of the Shrewsbury and Atcham legal challenge would be known. There could also be problems motivating people to vote on this issue.

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- Wiltshire County Council should have recognised the MORI poll that had taken place which showed that a large majority of people felt that a County Unitary would be too remote.
- There was concern at rumours that Swindon Borough Council had plans to take over some of the adjoining areas currently in the North Wiltshire District.

Councillor C Caswill then moved and Councillor SK Doubell seconded the following amendment:

- (a) To add the following introductory text:

“This Council notes that the three other Wiltshire District Councils have formally begun the process of seeking judicial review of the decision to create a unitary Council for Wiltshire.

For its part, Council continues to be concerned at the lack of evidence of public support for the major changes now being proposed. It is also concerned at the possibility that the Secretary of State may have acted illegally, or at least improperly, in the process of reaching the decision for a Unitary Council for Wiltshire.”

- (b) To amend the first line of the motion by replacing the words “This Council” with:

“As a judicial review process has now begun, this Council’s concerns about the proposed changes are such that it welcomes that process as a proper scrutiny of the Government’s decision. It therefore....”

- (c) To delete the third paragraph.

The following issues were then discussed:

- Some Members stated that it was important to protect the Council’s funds and to concentrate on providing its day to day services rather than committing public expenditure for the purpose of legal proceedings.
- There was some concern that support for the judicial review would create further uncertainty and instability for officers.

Following debate, Councillors Doyle and Groom accepted the above amendment to be included in their original motion.

Councillor SK Doubell then moved and Councillor DB Allen seconded the following amendment:

To add the following additional paragraphs:

“In the event that the judicial review process does not lead to a reverse of the Government decision, this Council believes that there will be large risks in rushing through these major changes early in 2008. Conversely, transferring responsibilities in 2009 would permit better preparation, reduce the risks of hasty arrangements and enable elections to be held on the established County timetable. This Council therefore resolves to

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recommend this timetable in response to the Government's recent guidance and consultation document.

In the meantime, this Council commits itself to the energetic discharge of its continuing responsibilities on behalf of the taxpayers of North Wiltshire, both within the current constitution and any framework properly established by the Government."

Councillors Doyle and Groom then agreed to accept this amendment to be included in the original motion.

Councillor GR Greenaway then moved and Councillor N Phillips seconded the following amendment:

To delete the words "to join with these three authorities in seeking that judicial review subject to a financial expenditure limit of £10,000" and replace with the words "to give a contribution of up to £10,000 towards the cost of the judicial review".

Councillor Doyle and Councillor Groom accepted this amendment to their original motion.

Following debate on the original motion as amended Councillor N Phillips requested a recorded vote.

The following original motion as amended was then put to the vote:

"This Council notes that three other Wiltshire District Councils have formally begun the process of seeking judicial review of the decision to create a unitary Council for Wiltshire.

For its part, Council continues to be concerned at the lack of evidence of public support for the major changes now being proposed. It is also concerned at the possibility that the Secretary of State may have acted illegally, or at least improperly, in the process of reaching the decision for a unitary Council for Wiltshire.

As a judicial review process has now begun, this Council's concerns about the proposed changes are such that it welcomes that process as a proper scrutiny of the Government's decision. It therefore supports Salisbury, West Wiltshire and Kennet District Councils in their application for judicial review of the Government decision to impose a Unitary Authority upon Wiltshire in the absence of significant public support.

Given the importance of local democracy and the scale of the proposed changes to local government in Wiltshire, Council further agrees to give a contribution of up to £10,000 towards the cost of the judicial review.

In the event that the judicial review process does not lead to a reverse of the Government decision, this Council believes that there will be large risks in rushing through these major changes early in 2008. Conversely, transferring responsibilities in 2009 would permit better preparation, reduce the risks of hasty arrangements and enable election to be held on the established County timetable. This Council therefore resolves to recommend this timetable in response to the Government's recent guidance and consultation document.

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In the meantime, this Council commits itself to the energetic discharge of its continuing responsibilities on behalf of the taxpayers of North Wiltshire, both within the current constitution and any framework properly established by the Government.”

Voting on the original motion as amended was as follows:

<u>For</u> (18)	<u>Against</u> (24)	<u>Abstention</u> (1)
Councillor DB Allen	Councillor C Berry	Councillor J Scragg
Councillor S Bodman	Councillor CMR Boase	
Councillor CJ Caswill	Councillor AM Bucknell	
Councillor PCB Coleman	Councillor B Causer	
Councillor PR Darby	Councillor RL Cinnamon	
Councillor JP Doubell	Councillor T Clements	
Councillor SK Doubell	Councillor C Crisp	
Councillor P Doyle	Councillor H Greenman	
Councillor GR Greenaway	Councillor IJ Henderson	
Councillor MEM Groom	Councillor AK Hill	
Councillor JL Hall	Councillor PJ Hutton	
Councillor MP Hatton	Councillor T Jones	
Councillor R Henning	Councillor J Lay	
Councillor RB MacGregor	Councillor S Meadows	
Councillor A Phillips	Councillor S Parker	
Councillor N Phillips	Councillor A Pier	
Councillor HR Plenty	Councillor B Roberts	
Councillor CV Ramsey	Councillor R Sanderson	
	Councillor M Singlehurst	
	Councillor SJ Still	
	Councillor TR Sturgis	
	Councillor JP Thomson	
	Councillor D Tonge	
	Councillor T Trotman	

The original motion as amended was therefore **lost**.

The meeting started at 7.00pm and finished at 8.35pm.

There were 8 members of the public present.