

Draft Minutes of the Council Meeting held on Tuesday 16th October 2007 at the Council Offices, Monkton Park, Chippenham.

Present:

Chairman.....Councillor C Crisp

Councillors CMR Boase, S Bodman, AM Bucknell, CJ Caswill, RL Cinnamond, A Clements, PCB Coleman, PR Darby, JP Doubell, SK Doubell, PJ Doyle, GR Greenaway, H Greenman, MEM Groom, JL Hall, J. Hartless, IJ Henderson, JR Henning, PJ Hutton, T Jones, RB MacGregor, SB Meadowcroft, S Meadows, JA Phillips, A Pier, C. Reid, WF Roberts, JA Scott, JR Scragg, ML Singlehurst, SJ Still, TR Sturgis, RL Tonge, VA Vines, AM Wannell and C Wannell

Officers Present: D. Burbidge (Chief Executive), P Jeremiah (Legal Team Manager) and J. Whittleton (Policy and Democratic Services Assistant).

C43. Apologies for Absence

Apologies for absence were received from Councillors M.P. Hatton, A.K. Hill, D.B. Allen, J. Lay, A.J. Trotman, S. Parker, H.R. Plenty, N. Phillips, C.V Ramsey, E. Marston, R. Sanderson, P. Roberts, K.A. Banks, C. Berry, J.P.S.S. Thomson, J. Whincup and B. Causer.

C44. Minutes

The Minutes of the Council meeting held on 4th September 2007 were considered.

Resolved that the Minutes of the Council meeting held on 4th September 2007 be confirmed and signed as a correct record.

C45. Declarations of Interest

No declarations of interest were made.

C46. Chairman's Announcements

The Chairman, Councillor C. Crisp:

Shrewsbury and Atcham Borough Council loses judicial review

Shrewsbury and Atcham Borough Council had launched the judicial review to try to overturn a decision to create a Unitary Authority in its area. They have now heard that they have lost the judicial review against plans to scrap five district or borough councils for a single authority. The council had gone to the High Court to challenge the reorganisation of local government on the grounds that the Government did not have the power to undertake the review, and that it was unfair and unbalanced. Mr Justice Underhill, who was reviewing the case, dismissed the challenge last Wednesday.



Transition Cabinet Reports

At future meetings, the Council will receive regular updates from the Transition Cabinet. These updates will be provided by the Leader, Councillor Tonge.

Housing Benefit Repayments

On the 21st September 2005 the Department for Work & Pensions (DWP) informed the Council that they had decided to recover subsidy of £348,752 in respect of the 2003/04 Housing Benefit/Council Tax Benefit Qualified Subsidy Claim.

This was due to the fact that the Council was unable to provide full audit trails for all aspects of the claim due to problems with the in-house benefits system. They reclaimed £87,188 for the months November 2005 – February 2006 from the Council's interim subsidy payments.

There was no right of appeal and the DWP did not accept the various objections raised by the Section 151 Officer and the Benefits Manager.

At the Executive meeting held on 13th October 2005 it was resolved that a strongly worded letter will be sent to the DWP outlining the concerns of the Council at the apparent unfairness of the action taken.

The Members' concern was due to the fact that the Council had openly disclosed to the DWP all problems with the in-house system and had received capital funding from the DWP to replace it.

In response an Officer of the Council wrote to the DWP on 3rd December 2005 and this was followed by considerable further action (two letters, 25 e:mails and numerous telephone calls), which eventually resulted in a full repayment of this sum on 15th October 2007.

Civic Service

The annual Civic Service will be held at 6pm on 16th December 2007 in St Bartholomew's Church, Wootton Bassett.

C47. Public Question Time/Receipt of Petitions

There were no public questions nor petitions received.

C48. Question Time

Councillor S.K. Doubell
Page 266 Minute Ref E65

Can Cllr. Roberts confirm that following the last meeting of the Climate Change Working Group in March minute Ref CC3, that Jarvis have looked at the timing on the lights and have reduced the time by 5 min.

Can he further confirm that there is now in place a person/team for each floor of the Monkton Park Offices to ensure that all computer monitors are switched off each night?

The Chairman stated that Councillor Roberts would be asked to provide a written reply as he was not at the meeting.

Councillor S.K. Doubell asked a supplementary question:

How long is the delayed time switch on the lighting now set at, and does he find that satisfactory?

Bearing in mind his knowledge and interest in carbon savings does he feel that confining this Council's responsibilities to the Monkton Park offices is in the spirit of our signing of the Nottingham Declaration, which commits us to giving a lead to the community?

Councillor T.R. Sturgis responded that the Council's responsibilities were outlined in the Corporate Plan which was agreed by all Members. The question regarding the delayed time switch on lighting would be forwarded to Councillor Roberts for a written response.

Councillor S.K. Doubell
Page 272 Minute Ref FA31

Following on from the Chairman's announcement concerning the return of £347,000 claw back from the Department of Work and Pensions (DWP), may I add my congratulations to the section and in particular, the officer concerned. As the Councillor who instigated this demand for a return of these monies, over two years ago I welcome this victory for common-sense. Does the Leader agree that the tenacity and perseverance of the officer (three letters, 25 emails and dozens of phone calls) is to be applauded as also is the latest report by the DWP development team who have commented in a letter on the significant improvement in the Direction of Travel on benefits claims? Would the leader further agree that a full centre page exclusive in the DWP publication "More Direct" saying how well this Council has done is further proof of the progress that has now resulted in the latest PI being in the top quartile.

Councillor R.L. Tonge responded by saying that he agreed with everything Councillor Doubell said in her question.

Councillor P.R. Darby
Page 250 Minute Ref C36(c))

Given the pressures on the built environment in North Wiltshire what themes was the Portfolio Holder referring to when on the 6th September, he referred to the environment as being terminally ill?

Councillor R.L. Tonge responded by saying that he did not know where the comments came from but would ask Councillor Berry to respond.

Councillor P.R. Darby asked a supplementary question:
Are there any plans to hold more AWARE days in the future

Councillor R.L. Tonge responded by saying that He would ask Councillor Berry to respond.

Councillor C.J. Caswill
Minute Ref O46

Will the Leader remind the Chief Executive that the Council expects senior officers to attend Committee meetings when they have been invited?

The Chief Executive responded, that he suspected Councillor C.J. Caswill was talking about a specific instance and would ascertain the circumstances in this matter and report back to the leader and Councillor Caswill.

Councillor P.C.B. Coleman
Page 268 Minute Ref E69

The resolution to allow the Chief Executive to respond to the Department for Communities and Local Government (DCLG) on behalf of the Council contained, as the fourth bullet point; '*The Transitional Cabinet should not be dominated by County Councillors. If there are to be more County Councillors than District, that the named substitute District Councillors be invited to all meetings and be able to participate*'.

Furthermore, the County Council did present one model with the transitional cabinet comprising of 9 District Councillors to 7 County Councillors. This option was not chosen.

Would the Leader support a transitional cabinet not dominated by the County Council? And does this send out the wrong signals, that the County are treating the process as a take over?

Councillor R.L. Tonge responded by saying that the meeting was not the vehicle for County Council politics and that the County Council have made their decision.

Councillor P.C.B. Coleman asked a supplementary question; Is it ok for the transitional cabinet to be dominated by the County Council?

Councillor R.L. Tonge responded by referring Councillor Coleman to the previous answer and adding that the County Council have made their decision.

C49. Appointment of Town Council Representative to the Standards Committee

Consideration was given to Report No.7, a verbal Report from the Chairman of the Appointments Committee, recommending the appointment of Councillor R. Fido of Corsham Town Council to be the Town Council Representative.

Resolved that Roger Fido, the nominee of Corsham Town Council, be appointed to the position of Town Council Representative on the Standards Committee of North Wiltshire District Council.

C50. Overview and Scrutiny Procedure Rules

Consideration was given to Report No.8, which asked the Council to consider an amendment to the Council's Overview & Scrutiny Procedure Rules.

Issues discussed included:

- Whether the 10 days referred to in paragraph 1(b) of the draft procedure rule would place too much demand on officer's time.

Resolved

- 1) That paragraph 1(b) be amended to read:

Indicate the type of background information and any performance or other data the Committee requires. Such information or data is to be provided by the relevant Manager or Service Head within 10 days of a request being made where practicable.

- 2) That subject to the above amendment, the Council's Overview & Scrutiny Procedure Rules be amended by the inclusion of an additional procedural rule relating to the Conduct of Reviews as outlined in Appendix 1.

C51. Changes to the Scheme to Delegation to Officers

Consideration was given to Report No.9 which sought to amend the Scheme of Delegation to Officers to reflect the Management restructure.

Resolved

- 1) To amend the Scheme of Delegation to Officers as set out in Appendix 1.
- 2) As from 17th October 2007, any specific authority delegated to a post-holder mentioned in column 1 of Appendix 1 will be exercised by the post-holder mentioned in column 2.

C52. Questions on Notice from Councillors – Council Procedure Rule 14.2

A Question was received from Councillor S.K. Doubell addressed to the Lead Member for Environment:

Bearing in mind that North Wiltshire District Council is a Fair-trade Council and that many commercial establishments throughout the District also sell Fair-trade goods, would the Lead Member agree that this Council should give the lead in promoting the market towns in North Wiltshire as Fair-trade towns. This would be in the spirit of the Nottingham Declaration and would be of very little cost to this Council. Will the Lead Member agree to instruct officers to set this in motion without delay?

Response of the Lead Member, Councillor T.R. Sturgis:

The promotion of Fair-trade and Fair-trade Towns is not currently included within the Corporate Plan.

The Council through its funding partnership with Wiltshire Wildlife Trust supports the World Changers Programme. The programme identifies sustainable solutions for communities. The promotion and concept of Fair Trade is a part of this work. There are a number of specialist organisations who champion Fair-trade including Traidcraft, Churches Together and Christian Aid.

At the recent Business AWARE day, the Chippenham Community Partnership AGM and the Area 1 Committee, the principles and working practices of Fair Trade Towns were highlighted and promoted through a display which included information and links to the specialist organisations.

As other organisations are already providing specialist advice the role for this Council will be to continue to support the principles of Fair-trade and Fair-trade Towns by acting as a signpost for interested parties.

I was surprised to find your administration had not arranged for fair-trade products to be served in the canteen. I have therefore asked officers to open discussions with Jarvis to find out how this can be achieved to meet the conditions for Chippenham becoming a Fair-trade Town and this Council will then meet this requirement.

Councillor S.K. Doubell asked a supplementary question:

At the recent Chippenham Area Partnership meeting, there was clear support for Chippenham to become a Fair-trade town. We now need the Council to give political clout and leadership on the matter. There were Fair-trade products on offer when the catering contract went to Jarvis. Have the catering arrangements changed?

Councillor T.R. Sturgis responded by saying that he believed there had been a change in the catering arrangements. The first requirement of Fair-trade town status was that the local council provide Fair-trade products at meetings and in the canteen. He added that in addressing the matter, the Council was providing a lead and that he hoped Chippenham Town Council would follow suit.

C53. Notices of Motion – Council Procedure Rule 15

Consideration was given to Report No. 11, which asked the Council to consider 2 Notices of Motion submitted by Councillors in accordance with Council Procedure Rule 15.

The following Notice of Motion was received from Councillor T. Clements:

‘This Council should contact the Electoral Commission and all relevant bodies and organisations to make the case for the retention of the existing boundaries of North Wiltshire whether a Unitary Authority is formed or not, and that this Council should strenuously resist any incursion of Swindon into North Wiltshire.’

Issues discussed included:

- The uniqueness of the surrounding towns and villages;

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- Whether it is wise to make representations on the subject when there are no proposals to change the boundaries;
- The possibility of maintaining the existing boundary yet accommodating Swindon's houses; and
- The views of local residents.

In the course of the debate, Councillor Clements accepted two amendments to his motion:

- a) The insertion of the word 'external' between 'existing' and 'boundaries'.
- b) The addition of the following words at the end of his motion 'whether by boundary changes or by the extension of Swindon's built up area'.

Resolved that this council should contact the Electoral Commission and all relevant bodies and organisations to make the case for the retention of the existing external boundaries of North Wiltshire whether a Unitary Authority is formed or not, and that this Council should strenuously resist any incursion of Swindon into North Wiltshire, whether by boundary changes or by the extension of Swindon's built up area.

The following Notice of Motion was received from Councillor P. Doyle:

'This Council agrees to amend Rule 40 of the Council Procedure Rules, relating to Call In, such that an additional paragraph is added to the end of Rule 40.1 as follows:

'When the call-in procedure is exercised, those Members requesting the call-in, shall also notify the appropriate Executive portfolio holder(s) of the detailed reasons for that request a minimum of three working days prior to the date of the next scheduled meeting of the Overview and Scrutiny Committee or within 7 working days of the call-in notification to the Proper Officer whichever is the sooner.'

Issues discussed included:

- That the motion has not been discussed by the Overview & Scrutiny Committee.

Resolved that in accordance with Council Procedure Rule 45.2, the motion will stand adjourned until the next ordinary meeting of the Council.

The meeting started at 7.00pm and finished at 8.03pm.

There were no members of the public present.