

**Draft Minutes of the Council Meeting held on Tuesday 14 October 2008 at the Council Offices, Monkton Park, Chippenham**

**Present:**

Chairman.....Councillor IJ Henderson.

Councillors DB Allen, C Berry, CMR Boase, AM Bucknell, CJ Caswill, A Clements, PCB Coleman, C Crisp, PR Darby, JP Doubell, SK Doubell, PJ Doyle, GR Greenaway, H Greenman, MEM Groom, JL Hall, J Hartless, MP Hatton, R Henning, A Hill, PJ Hutton, HT Jones, J Lay, RB MacGregor, E Marston, S Meadows, RL Miles, S Parker, JA Phillips, N Phillips, A Pier, CV Ramsey, C Reid, P Roberts, R Sanderson, JA Scott, J Scragg, ML Singlehurst, SJ Still, TR Sturgis, JPSS Thomson, RL Tonge and VA Vines

**Officers Present:** P Jeremiah (Legal Services Manager), E Orchard (Head of Human Resources) and M Todd (Senior Democratic Services Officer)

**C28. Apologies for Absence**

Apologies for absence were received from Councillors K Banks, S Bodman, H Plenty, W Roberts, A Trotman, A Wannell and C Wannell.

**C29. Minutes**

The minutes of the Council meeting held on 24 June 2008 were considered.

**Resolved** that the minutes of the meeting held on 24 June 2008 be confirmed and signed as a correct record.

**C30. Declarations of Interest**

There were no declarations of interest.

**C31 Chairman's Announcements**

(a) Councillor C Wannell

The Chairman informed Members that Councillor Chris Wannell had been unwell. The Council sent best wishes to Councillor Wannell and wished him a speedy recovery.

(b) Wootton Bassett

The Chairman stated that he was very happy to see the armed forces parade through Wootton Bassett to thank the town for its support. This was a great source of pride for the North Wiltshire area.

(c) Cricklade in Bloom

The Chairman was pleased to announce that Cricklade had won the best kept village award for the best small town category. Members of Cricklade



in Bloom were present for this part of the meeting and were congratulated by the Council on their achievement.

(d) Raffle – “Dear to Wear Pink Day”

The Chairman informed Members that the CAMS Team were organising a raffle in aid of the “Dare to Wear Pink Day” to raise funds for the breast cancer campaign. Any donations for raffle prizes were most welcome.

(e) Invitation to Bowood

The Chairman informed the Council that Lord Lansdowne had invited Members to Bowood for a reception to mark the end of North Wiltshire District Council. This would take place on Friday 20 March 2009.

### **C32 Icelandic Banks**

The Leader made a statement regarding the economic situation and the deposits with the Icelandic Banks. Members were then given an opportunity to ask questions. The following issues were discussed:

- Councils across the Country had invested money following government guidance about spreading risks and seeking a high return. They had sought independent financial advice and they had relied on the vetting of international credit agencies.
- On 22 September when the Council’s cross party Treasury Management Working Group met Landesbanki was evaluated as being a reputable bank with a solid credit rating. Two weeks later a cash run had led to it being taken over by the Icelandic Government.
- Government and the Local Government Association have stated that there is no evidence of recklessness by local authorities. They also agreed that the financial framework for local authorities which requires them to strike an appropriate balance between security of investments and returns appears to have been adhered to.
- North Wiltshire District Council had £6m invested in Icelandic Banks out of a total of £48m invested:
  - £1m with Heritable which expired on 10 October 2008
  - £3m with Landesbanki which expires on 2 March 2009
  - £2m with Glitnir that was repaid on 2 October 2008
- The Council had been informed that Landesbanki does not have “toxic assets” and awaits advice from the Local Government Association
- The Leader confirmed that the uncertainty surrounding these investments would not affect the Council’s viability. The Council was seeking advice on all other investments and would take action accordingly.
- The problem with the Icelandic Banks was cash and not asset backing. The District Council was in robust financial health and this difficulty would not affect the service provided to the people of North Wiltshire.
- The Chairman of the Treasury Management Working Group outlined the role of this group and confirmed that there were no long term investment plans leading up to the creation of a unitary authority for Wiltshire.

- Some concern was expressed about the decision to make longer term investments and the subsequent inability to withdraw the money once it became known that the banks were in difficulty.

**C33. Public Question Time/Receipt of Petitions**

There were no public questions or petitions.

**C34. Question Time**

(a) Councillor C Caswill – Minute No. E16 – Re-Appointment of Executive Working Groups

Councillor Caswill asked how the Treasury Management Working Group was publicly accountable when its meetings were not open to the public and the reports and minutes were not publicly available.

Councillor P Doyle, Chairman of the Working Group, stated that the Group had no decision making powers. Its recommendations were submitted to the Executive and these reports were generally available to the public.

(b) Councillor S Doubell – Minute No. E53 – Review of Community Funding Awards 2008/09

Councillor Doubell asked for information about who had received funding from the Executive Community Funding Award scheme and whether there were any funds outstanding?

Councillor A Bucknell stated that a written response giving details of the grants awarded to date would be sent to all members. She also confirmed that there was still some funding available.

(c) Councillor C Caswill – Minute No. O43 – Role of Overview and Scrutiny in a Demising Authority

Councillor Caswill asked the following questions:

- Which members had voted in favour of holding only one further Overview and Scrutiny Committee meeting?
- Was the Chairman of the Overview and Scrutiny Committee in favour of this decision?
- Was it correct that the meeting scheduled for 9 October 2008 was the first Overview and Scrutiny Committee meeting to be cancelled?

Councillor C Reid, Chairman of the Overview and Scrutiny Committee, stated that she was unable to confirm who had voted in favour of the resolution as there had not been a recorded vote. She confirmed that she had voted in favour of the decision. It was also confirmed that the 9 October meeting had been the first meeting to be cancelled following this decision.

Councillor Caswill then asked a supplementary question as to whether the Overview and Scrutiny Committee, had it been held on 9 October, could

have enquired into the Icelandic Banks situation. Therefore, was the decision to cancel the meeting a mistake?

Councillor Reid stated that it would have been very difficult to have put together all the necessary information in time for the meeting on 9 October. The situation had been effectively communicated to all members via e-mail and the Leader had given a detailed statement at this meeting. It was entirely appropriate to inform the Council in this way to ensure that all members were aware of the latest information.

(d) Councillor J Thomson – Minute No. O43 – The Role of Overview and Scrutiny in a Demising Authority

Councillor Thomson asked whether the Chairman of the Overview and Scrutiny Committee would agree that the financial dealings of the County and District Councils were regularly reported to the Implementation Executive and scrutinised by the Joint Overview and Scrutiny Transition Board (JOSTB).

Councillor C Reid, Chairman of the Overview and Scrutiny Committee stated that there were regular reports to the JOSTB but that the reports did not contain detailed figures.

(e) Councillor P Coleman - Minute No. O43 – The Role of Overview and Scrutiny in a Demising Authority

Councillor Coleman stated that several joint scrutiny task groups were now being set up and queried whether District Councillors should be included in these?

Councillor C Reid, Chairman of the Overview and Scrutiny Committee stated that she agreed in principle that District Councillors should be involved if appropriate.

**C35. Quarterly Report on Special Urgency Decisions**

Consideration was given to report no. 7 informing the Council of one Key Decision taken by the Executive in circumstances of special urgency since 29 April 2008.

**Resolved** that the report be noted.

**C36. Report on Implementation Executive (IE) Meetings**

An oral update was given by the Deputy Leader of the Council on the meetings of the Implementation Executive held on 9 July, 27 August, 23 September and 6 October 2008. Issues discussed included:

- Weekly reports on the work of the IE would be sent to all Councillors.
- If members had any questions regarding the IE they should contact Councillors Bucknell or Tonge.
- A launch day for prospective unitary councillors had been held earlier in the day and had been very well attended.
- The Unions had suggested that staff restructuring should take place from 1 April 2009 but the IE had decided that it was in everyone's best interests to continue the restructuring work prior to this date.

- It was confirmed that the Statutory Orders relating to Development Control decisions were still awaited.
- It was confirmed that the figures relating to savings were still on target.

**C37. Questions on Notice from Councillors – Council Procedure Rule 14.2.**

The following questions were received from Councillor CJ Caswill:

**(a) Planning Guidance for Station Hill and Cocklebury Road, Chippenham**

Will the Chair of the Development Control Committee join me in regretting that there is now so little positive planning guidance available for developments in the Station Hill and Cocklebury Road area of Chippenham?

Response

*There is a considerable amount of positive planning guidance available for any new development proposal in the Station Road and Cocklebury Road areas. This is mainly in the form of the North Wiltshire Local Plan 2011 which is the current up-to-date planning policy document approved in July 2006. All planning proposals in this area must be considered against the policies of this plan and developed in accordance with it, unless there are strong and valid planning reasons for not doing so.*

Will he as a matter of urgency ask planning officers to begin the process of drawing up a Development Management Note for this area of Chippenham, in the process of which local residents would be consulted about the needs of the area?

Response

*This will shortly be a decision that can only be made by the Wiltshire County Council when, under Regulations due to be published soon, the responsibility for commissioning new planning guidance documents passes to that Authority. In any case, it is not considered that such a document for a relatively small part of Chippenham should be a priority given that officers should be more properly engaged in producing new and vital planning policy documents for the new Authority. Also, should planning applications be made in this area, the normal process of substantial public consultation will still apply.*

Councillor Caswill then asked a supplementary question - given that these areas are the fastest growing in Chippenham and there are currently no facilities is this not an opportunity to provide the necessary facilities through planning gain?

Response

*Councillor J Thomson, Chairman of the Development Control Committee, stated that when planning applications were submitted they would go out to consultation and the public could put forward any suggestions at this stage.*

**(b) Car Parking Restrictions**

Will the Portfolio Holder for Car Parking and Community Safety tell the Council when local residents can expect to be consulted about the long-awaited County Council plans for additional parking restrictions in the District?

Response

*The proposals are currently with the Town Councils for consultation. Once returned the comments will be analysed, the necessary reports written and the proposed final schemes drawn up. The Traffic Regulation Orders will then be prepared, the adverts and statutory consultations undertaken, including the public consultation, before final schemes are submitted to Cabinet for agreement. The orders are anticipated to be complete by the end of December 2008 as long as no formal objections are received. Any formal objections to any of the schemes can significantly delay the implementation of a scheme. The schemes will then be scheduled to be on the ground as from April 2009. Topographical surveys, where necessary, will be undertaken as part of the process to ensure any scheme fit for purpose.*

Councillor Caswill then asked a supplementary question – when will people be consulted on these proposals?

Response

*Councillor R Sanderson, Portfolio Holder for Car Parking and Community Safety, stated that the proposals were currently with the Town Councils for consultation and would then go out to public consultation.*

**(c) New Housing Allocation for Chippenham**

When does the Leader of the Council expect the Executive to decide on this Council's preferred locations for the several thousand new houses for which land in and around Chippenham has now to be allocated?

Response

*This will also shortly be a decision that can only be made by the Wiltshire County Council when, under Regulations due to be published soon, the responsibility for publishing consultation documents on, amongst other things, Chippenham's growth passes to that Authority. Following a meeting between myself and Councillor Sylvia Doubell, it was agreed that we would write to the County Council expressing the view that such a consultation should be undertaken by the County Council soon after the powers are transferred from this Council in November. We are currently considering the appropriate timing for such a consultation in conjunction with the County Council and its officers.*

Can he confirm that this decision, which is crucial to the future of Chippenham, will be taken by himself and 7 other Councillors, not one of whom was elected by Chippenham residents?

Response

*It was never the case that the final decision would be taken by this Executive. The necessary decision required at this stage is to undertake a public consultation about the growth options for Chippenham. But, as you have heard, a decision to start the consultation will not be taken by this Executive. It will be taken by the Implementation Executive. There will of course be subsequent decisions which will ultimately be taken by the new Wiltshire Authority. Any developer submitting a planning application will be obliged to conduct a full public consultation as set out in the Statement of Community Involvement.*

Councillor Caswill asked a supplementary question – this process is outside the ambit of local Councillors so how will Chippenham people have a say?

Response

*The Leader of the Council stated that developers had to adhere to the Statement of Community Involvement and the public would have an opportunity to comment. It was then for the Development Control Committee to make a decision and at this stage Chippenham Councillors could make their views known.*

**(d) Budget Position**

Looking forward to the transition in April-June next year, what are the Leader of the Council's best estimates of;

- (a) Revenue underspend in the financial year 2008-09?
- (b) Capital underspend in the financial year 2008-09?
- (c) The total funds likely to be transferred to the new unitary authority by this Council under these headings ,
- (d) The Council's invested funds , prior to their transfer to the new authority

*And*

What is his best estimate of the County Council's debt at the time of transition?

Response

*(a) Revenue - The last budget report to the Executive suggests an underspend of Revenue budgets in the order of £400K after the commitment of the £180K to improving the Children's Play Areas within North Wiltshire, as agreed as a budget consideration for any underspend during the setting of this year's budget by full Council.*

*Indications are that the next forecast will indicate a growth in the underspend forecast, the information is being analysed and will be made available in a mid year report to the next Executive.*

*(b) Capital - There is no projected underspend in capital expenditure in the current reports. There is an agreed programme and if any project slips into future years committed funds will follow it. We have not ceased any of the capital projects for which the budget was set. There was re-alignment*

*during the budget setting process e.g. the commitment to fund a new general ledger system was cut from the program once it was known that unitary would happen.*

*(c) Technically there will be no transfer of funds under the revenue heading as that is the annual expenditure in any given year. The current estimate of the General Fund at the end of this financial year is £7.5m. However care has to be taken in understanding the make-up of this fund as it is by its very nature a 'reserve' for unforeseen circumstances, not dissimilar to that which we are currently seeing in the global economy.*

*In respect of Capital funds, those projects committed to but not completed in the current year will transfer as funded projects, along with an anticipated usable capital reserve of £9M.*

*(d) The invested funds will be approximately £30M but the cash invested is not in fact all ours, as a billing authority we collect Precepts for many other parties and invest the funds received prior to payment. The balances that one should concentrate on are those from the accounting statements, to consider the cash/investment value in addition would be to double count.*

*(e) The councillor is most welcome to ask the relevant officers or councillors within the County Council the current position on their finances, we are not in a position to comment. The County Council has a different funding regime to Districts and is of a different scale. Similarly, if one concentrates on cash and debt one does miss the other assets held, e.g. Salisbury will be bringing to the table its full housing stock, which is a considerable asset.*

**(e) Waste and Recycling**

- a. Did the Portfolio Holder for Waste and Sustainability see the ITV 'Tonight' programme on the final overseas destinations of some UK household waste, for which I provided her with a link to the ITV programme archive?
- b. Will she join councillors on this side of the chamber in condemning the shoddy practice of contractors' selling on excess or poor quality recyclable waste to third world or newly industrialising countries without adequate checks on final use or destination?
- c. Can she assure local residents, many of whom have been shocked by the findings of this programme, about the policies and practices of the sites and contractors which handle the waste collected as this Council's responsibility and,
- d. Will she give the guaranteed final destinations of a) plastic b) glass, c) cardboard d) paper and e) cans collected by this Council and its contractors and
- e. What steps has she taken, following that programme, to check on the adequacy of the monitoring and verification systems for the disposal of North Wiltshire residents' household waste?

**Response**

*As you will all be aware, this Council currently does not have legal responsibility for disposal of the waste which it collects – that is the responsibility of Wiltshire County Council and the disposal contract is between WCC and Hills Waste Solutions. I and my predecessor have,*



*however, always felt a moral responsibility to ensure that the waste we collect is disposed of correctly. NWDC, as a member of the Wiltshire Waste Partnership, has always been involved in the planning process for recycling and in ensuring that opportunities for reusing and recycling in North Wiltshire are maximised. We have always worked together on this in Wiltshire, and this co-operation has intensified as we move towards a unitary authority.*

*We are all aware that some household waste is destined for overseas, especially where there is no UK market but such waste should be accompanied by appropriate forms detailing content and quality and sent to acceptable destinations, as advised by DEFRA. Apparently, some of the bad practice which results in unsatisfactory end-use arises from the disposal of unsorted waste, which can be too contaminated to use. This method is not used in Wiltshire – collections are sorted by residents and again by roadside collection crews and also at the Materials Recycling Facility at Lower Compton. Wiltshire's rejection rate of potential recyclates to landfill is therefore very low, approximately 1%. Paper collected in Wiltshire is regarded as high quality by our customers and our glass is in particular demand because it is sorted into three colours. As far as monitoring is concerned, the Environment Agency recently carried out a waste data flow audit which commended Wiltshire County Council on the information held on the destination and management of Wiltshire's waste.*

*The Waste Partnership's website, [www.recycleforwiltshire.com](http://www.recycleforwiltshire.com) includes a series of short films where concerned members of the public can see recycling services in action and how recyclates such as glass, paper, wood, textiles and electronic appliances are actually recycled into new products. Links are also available to the websites of those reprocessors to whom our recyclates are sent, and the list of these is regularly updated. These films were produced by the Wiltshire Wildlife Trust. I have recommended this website to the single concerned member of the public who has contacted me so far, and I commend it to everyone.*

*This Council's wish to promote recycling was demonstrated in the recycling roadshows which took place across the District this summer and which were so well attended by members of the public. This project is now being followed up by work to open plastic and cardboard bring sites very shortly to increase opportunities for members of the public to recycle. This is a project funded by North Wiltshire, responding to public demand, and working with Hills Waste, Kennet District Council and Wiltshire County Council, another example of partnership working to achieve the best results for Wiltshire.*

Councillor Caswill asked a supplementary question regarding the final destination of household waste.

Response

*Councillor C Crisp, Portfolio Holder for Waste and Sustainability stated that the answer to this question was set out on the website referred to in the original response.*

**C38. Notices of Motion – Council Procedure Rule 15**

Consideration was given to report no. 10 which set out two Notices of Motion submitted by Councillors in accordance with Council Procedure Rule 15.

**(a) Monkton Park, Chippenham**

The following Motion was moved by Councillor CJ Caswill and seconded by Councillor J Hall:

“This Council welcomes the improvements to the public seating and litter bins in Monkton Park, which have at last made use of the Section 106 monies provided by developments in the Monkton Park area.

Council also notes that there will still be a significant balance available from the Section 106 funds for improvements to local leisure facilities.

It further notes that this administration is on record as saying that significant balances will now be available for transfer to the new unitary authority in spring 2009.

Given the high profile importance of the park for the residents of Chippenham and visitors from further afield, this Council now resolves:

- a) That the responsible members of the Executive should urgently put in place the complete refurbishment of the children’s play areas in the park (and if possible, their move to a more appropriate site)
- b) That work also be put in hand urgently for good signposting in the park, maps and welcome signs; for the upgrading and restoration of river banks and bridges, for protection of the grass against damage by heavy vehicles
- c) That the cost of these improvements be met from the Section 106 balance and from the substantial budgets which are otherwise all destined for the new authority

And lastly

- d) To approach Chippenham Town Council to explore the possibility of a jointly – supported Trust or Non-Profit Company to manage the park in future for the benefit of Chippenham residents and visitors to the town.”

In accordance with Council Procedure Rule 15.3 the motion stood referred to the Executive.

**(b) Overview and Scrutiny Committee**

The following Motion was moved by Councillor SK Doubell and seconded by Councillor CJ Caswill:

“This Council regrets last month’s decision by its Overview and Scrutiny Committee to abandon its published schedule of public meetings and thereby to suspend its work.

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It invites the Committee to reconvene on the next scheduled date of 13 November and to re-engage with its statutory responsibilities for the scrutiny of the North Wiltshire District Council Executive.”

In accordance with Council Procedure Rule 15.3 the Chairman allowed the motion to be dealt with at the meeting as he considered this to be convenient and conducive to the dispatch of Council business.

The following issues were discussed:

- There was concern that due to the curtailment of the main means of holding the Executive to account effective opposition had been silenced. This meant a serious loss of democratic accountability.
- The Joint Overview and Scrutiny Transition Board had no call-in powers and no budget.
- There were large underspends on the Council budget this year and temporary staff could still be appointed to undertake scrutiny work.
- More work was now moving to County Hall and there were less and less decisions to scrutinize at District Council level.
- Other District Councils in Wiltshire had scaled back their Overview and Scrutiny programmes.
- The ability to call-in Executive decisions still remained and if any Member wished a meeting to be held for any particular reason then they could contact the Chairman or Vice-Chairman with their request.
- The Overview and Scrutiny function had not been abolished and all dates had been kept in the diary in case a meeting was required.
- It was pointed out that the Committee still had a role relating to overview and policy development.
- The Joint Scrutiny Transition Board had set up several Task Groups and a great deal of valuable work was now taking place at this level. District Councillors were members of these Task Groups.

Councillor S Doubell requested a recorded vote on this item. Voting on the motion was as follows:

| <b><u>For</u></b><br><b>(10)</b> | <b><u>Against</u></b><br><b>(33)</b> | <b><u>Abstention</u></b><br><b>(0)</b> |
|----------------------------------|--------------------------------------|--|
| Councillor DB Allen              | Councillor C Berry                   |  |
| Councillor CJ Caswill            | Councillor CMR Boase                 |  |
| Councillor PCB Coleman           | Councillor AM Bucknell               |  |
| Councillor PR Darby              | Councillor T Clements                |  |
| Councillor JP Doubell            | Councillor C Crisp                   |  |
| Councillor SK Doubell            | Councillor P Doyle                   |  |
| Councillor JL Hall               | Councillor GR Greenaway              |  |
| Councillor MP Hatton             | Councillor H Greenman                |  |
| Councillor RB McGregor           | Councillor MEM Groom                 |  |
| Councillor J Scragg              | Councillor J Hartless                |  |
|                                  | Councillor IJ Henderson              |  |
|                                  | Councillor AK Hill                   |  |
|                                  | Councillor PJ Hutton                 |  |
|                                  | Councillor T Jones                   |  |
|                                  | Councillor J Lay                     |  |
|                                  | Councillor E Marston                 |  |

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|--|---------------------------|--|
|  | Councillor S Meadows      |  |
|  | Councillor RL Miles       |  |
|  | Councillor S Parker       |  |
|  | Councillor A Phillips     |  |
|  | Councillor N Phillips     |  |
|  | Councillor A Pier         |  |
|  | Councillor CV Ramsey      |  |
|  | Councillor C Reid         |  |
|  | Councillor P Roberts      |  |
|  | Councillor R Sanderson    |  |
|  | Councillor JA Scott       |  |
|  | Councillor ML Singlehurst |  |
|  | Councillor SJ Still       |  |
|  | Councillor TR Sturgis     |  |
|  | Councillor J Thomson      |  |
|  | Councillor RL Tonge       |  |
|  | Councillor VA Vines       |  |

(Note: Councillor R Henning was not present at the time the vote was taken)

The motion was therefore **lost**.

**C39. Exclusion of Press and Public**

**Resolved** that under Section 100A(4) of The Local Government Act, 1972, the press and public be excluded from the remainder of the meeting on the grounds that the following item of business involves the likely disclosure of exempt information as defined below and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

| <b>Agenda Item/Report Name</b>               | <b>Paragraph of the Act / Schedule describing the exemption</b> |
|--|---|
| Agenda Item 12 – Redundancy of Post No. 7000 | Paragraphs 1 & 2 of the Act                                     |

**C40. Redundancy of Post No. 7000**

Consideration was given to report no. 12 considering the redundancy of Post No. 7000.

**Resolved** that:

- (1) The holder of Post No. 7000 be made redundant.
- (2) The capital costs of the redundancy of the employee be taken from the unitary reserve.

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- (3) A current member of the Corporate Management Board, that is the Assistant Chief Executive, be appointed as Head of Paid Service from 10 January 2009 to 31 March 2009.
- (4) Authority be delegated to the Head of Human Resources to reach agreement with Wiltshire County Council to provide the role of Returning Officer, if necessary, between 10 January 2009 and 31 March 2009.

The meeting started at 7.00 pm and finished at 8.55pm.

No members of the public were present.