

Draft Minutes of the Council Meeting held on Tuesday 2 December 2008 at the Council Offices, Monkton Park, Chippenham

Present:

Chairman.....Councillor IJ Henderson.

Councillors DB Allen, K. Banks, C Berry, 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, J Lay, RB MacGregor, E Marston, RL Miles, S Parker, JA Phillips, A Pier, H. Plenty, CV Ramsey, C Reid, W. Roberts, R Sanderson, JA Scott, J Scragg, ML Singlehurst, SJ Still, TR Sturgis, JPSS Thomson, RL Tonge, A. Trotman, VA Vines, A. Wannell, C. Wannell and J Whincup.

Officers Present: D Burbidge (Chief Executive), P Jeremiah (Legal Services Manager) and M Todd (Senior Democratic Services Officer)

C41. Apologies for Absence

Apologies for absence were received from Councillors C Boase, R Causer, T Jones, S Meadowcroft, S Meadows, N Phillips and P Roberts.

C42. Minutes

The minutes of the Council meeting held on 14 October 2008 were considered.

Resolved that the minutes of the meeting held on 14 October 2008 be confirmed and signed as a correct record.

C43. Declarations of Interest

There were no declarations of interest.

C44. Chairman's Announcements

(a) Urgent Item

The Chairman announced that, in accordance with Section 100B(4) of the Local Government Act 1972, having regard to the special circumstances pertaining in this matter, namely, the need to make a decision before the next meeting of the Council, he was of the opinion that despite its non-inclusion on the Agenda the matter of – Appointment of Returning Officer and Electoral Registration Officer – should be considered at this meeting as a matter of urgency.

(b) Design Award

The Chairman informed members that a design award had been presented to the Pound Arts Trust and North Wiltshire District Council. Members congratulated David Stirling (Assets, Design and Regeneration Manager) and his staff on their achievement.



(c) Wootton Bassett DVD

A DVD of the recent parades by service personnel to show their appreciation for the support given to them by the town of Wootton Bassett had been produced. A copy of the DVD was available at a cost of £10 from Councillor C Wannell or Wootton Bassett Town Council.

(d) Councillor A Phillips – Sponsored Walk

Councillor A Phillips had completed a 20 mile sponsored walk in aid of the Doorway Project and the Bobby Van Trust.

(e) Chairman's Raffle

Tickets were now on sale for the Chairman's Christmas raffle. The draw would take place on 18 December at 1.30pm at Monkton Park.

(f) Leader of the Liberal Democrat Group

Councillor Sylvia Doubell informed members that she would be standing down as Liberal Democrat Group Leader. Councillor Doubell thanked all those members and officers who had helped and supported during her time in this role. Councillor Chris Caswill would now take over as Group Leader. Members thanked Mrs Doubell for her work and wished her well for the future.

(g) Delwyn Burbidge – Chief Executive

The Chairman informed members that this would be Delwyn Burbidge's last Council meeting as Chief Executive as he would be retiring on 9 January 2009. Members thanked Delwyn for his dedication, hard-work and dependability over the last three years and wished him well for the future.

C45. Public Question Time/Receipt of Petitions

There were no public questions or petitions.

C46. Question Time

(a) Councillor C Caswill – Minute No. C38 – Overview and Scrutiny Committee

Councillor Caswill asked how the Joint Overview and Scrutiny Transition Board were getting on with scrutinising North Wiltshire District Council services.

It was agreed that a written response would be sent to Councillor Caswill.

(b) Councillor S Doubell – Minute No. E65 – Regional Spatial Strategy

Councillor Doubell asked whether the Leader agreed that there had been a misunderstanding regarding the extra housing allocation to Chippenham imposed by the Government Office for the South West (GOSW). It now appeared that the allocation for Chippenham did not take into account the number of windfall sites that had already contributed to this figure. In the light of this information would the Executive now raise an objection to the housing allocation?

The Leader of the Council acknowledged that there had been some misunderstanding. The policy of any future Conservative Government would be to sweep away the large housing allocations imposed by GOSW.

(c) Councillor R Henning – Minute No. C38 – Overview and Scrutiny Committee

At a recent meeting of the Joint Overview and Scrutiny Transition Board Councillor C Reid raised concerns that the high standards for leisure provision would not be carried over into the new authority. The scrutiny of leisure activities was also raised at the meeting. Would Councillor Reid therefore be resurrecting the North Wiltshire District Council Overview and Scrutiny Committee?

Councillor P Doyle, Vice Chairman of the Overview and Scrutiny Committee, stated that as far as he was aware Councillor Reid was happy with the situation relating to leisure services. The Leader of the Council confirmed that the new Council would be considering future leisure provision.

It was noted that a meeting of the Overview and Scrutiny Committee would be taking place on 11 December to consider the Annual Governance Report.

(d) Councillor D Allen – Minute No. CR35

Will the Police Community Surgeries be available to all areas or just Cricklade and Wootton Bassett?

Councillor C Wannell, Chairman of the Cricklade and Wootton Bassett Area Committee, stated that although this particular surgery related to Cricklade and Wootton Bassett it was up to individual Area Committees to add this matter to their agendas if they wished.

(e) Councillor C Caswill – Minute No. E74/E75

What are the current best estimates of the capital and revenue balances which will be transferred to the new unitary council on 1 April 2009?

Has the Leader, or any of the officers of the Council, received any advice, guidance or instructions from the County Council or the Implementation Executive or their officers about the transfer of revenue and capital balances from North Wiltshire District Council to the new Council, or about expenditure under those headings between now and March 31 2009?

If so, what were the main elements of that advice, guidance or instruction?

The Leader of the Council responded as follows:

The estimated reserves reported to the Wiltshire Council Implementation Executive Budget Group in November 2008 for North Wiltshire District Council as likely to be transferred at 31 March 2009 are:

Earmarked Reserves	£4M
General Fund	£7.5M
Unallocated Capital Reserves	£7.5M

It should be noted that some Districts have large cash reserves, others a large asset base and some a mix. Salisbury for example has retained its social housing.

Since the announcement of this current Local Government Review, there has been a tranche of LGR Regulations issued by the Secretary of State, under Section 24 of the Local Government and Public Health Act 2007 providing the Chief Executive of continuing authorities with the ability to limit the contracting authority and spending powers of demising authorities.

North Wiltshire District Council received a general consent from the Chief Executive of Wiltshire County Council in March 2008, which enables this authority to continue to contract and operate within its published 2008/09 budget. Nevertheless, for any unplanned capital or large expenditure it must seek specific consent, for example contracts that cumulatively exceed £100K.

To gain a specific consent which is not consistent with Wiltshire County Council requirements or within a specific delegation held by the relevant Chief Officer, a formal submission to the Joint Implementation Executive is required.

Councillor Caswill then asked the following supplementary question:

Has there been any guidance from Wiltshire County Council since 2008?
Is it true that the Executive is no longer in control of this Council's budget?

The Leader stated that the Executive still had a degree of freedom within its current budget and had the power to vire funds between different areas of expenditure. If an overspend or a large capital project were proposed then consent would have to be sought from the County Council.

(f) Councillor P Coleman – Minute No. E74/75

Have there been any cases where Wiltshire County Council had to be asked for their consent regarding expenditure?

The Leader of the Council stated that there had not been any such cases from this authority.

C47 Appointment of Returning Officer and Electoral Registration Officer

The Council considered a report regarding the appointment of a Returning Officer and Electoral Registration Officer for the period 10 January to 31 March 2009.

Resolved that the Legal Services Manager be appointed Returning Officer and Electoral Registration Officer for the period 10 January to 31 March 2009.

C48. Notice of Motion – Monkton Park, Chippenham

The Council considered a report which responded to a Notice of Motion put forward by Councillor C Caswill at the last meeting and advised the Committee of progress towards the improvement of facilities in Monkton Park, Chippenham.

Councillor C Caswill moved and Councillor S Doubell seconded the following motion:

“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.”

The following issues were discussed:

- The action taken to improve Monkton Park was welcomed.
- The site was important, as part of the old Monkton Park Estate, and improvements offered an opportunity to leave a real legacy in Chippenham.
- Some members highlighted the need to move the play area to ensure that it was away from the shrubs and trees and therefore safer for children to use. There was no objection to any proposed move from local residents.
- The Cleansing and Amenities officers were considering removing the shrubs and cutting back the trees around the play area.
- It was noted that some work had already taken place to improve the park. The area near Wilkinson’s and also the river bank still needed improvement.
- Designs and costs were awaited from five companies for replacement of existing play equipment.

Councillor R Tonge then moved and Councillor A Bucknell seconded the following amendment:

“This Council welcomes the improvement to seating, the installation of new litter bins and the refurbishment and painting of lampposts in Monkton Park, which have been funded from the Cleansing and Amenities budget.

Council notes that there is a £65k balance from Section 106 funds that will be used to improve the children’s play areas.

Council resolves:

- (a) That the Executive should put in place the complete refurbishment of the children’s play areas in the park That work also be put in hand 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 subject to the estimates provided as a result of the landscape architects work.
- (b) That the cost of these improvements be met from any Section 106 balance related to the Monkton Park area and from any other funds that might be vired from other related unused North Wiltshire District Council budgets

And lastly

- (c) That the new authority be requested to take into account the views of Chippenham Town Council on Monkton Park when conducting their County wide leisure review.”

The amendment was then put to the vote and was **carried**.

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

“To insert the following words in paragraph (a) after the word “park”:

“Including the possibility of a move to a more appropriate site.””

The following issues were discussed:

- The play area should be moved for public safety reasons. The money was available for this work.
- It was pointed out that budget decisions had been made earlier in the year and that there was now no time to make further changes as the work needed to be progressed. Officers did not have additional time to make changes to their workplans.
- It was stated that the Town Council should have been consulted on the plans for the park so that their expertise could have been used.
- Officers had looked at the issues regarding Monkton Park and had provided an effective solution.

The amendment was then put to the vote and was **lost**.

The motion as amended was then put to the vote and was **carried**.

Resolved that:

This Council welcomes the improvement to seating, the installation of new litter bins and the refurbishment and painting of lampposts in Monkton Park, which have been funded from the Cleansing and Amenities budget.

Council notes that there is a £65k balance from Section 106 funds that will be used to improve the children's play areas.

Council resolves:

- (a) That the Executive should put in place the complete refurbishment of the children's play areas in the park. That work also be put in hand 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 subject to the estimates provided as a result of the landscape architects work.
- (b) That the cost of these improvements be met from any Section 106 balance related to the Monkton Park area and from any other funds that might be vired from other related unused North Wiltshire District Council budgets

And lastly

- (c) That the new authority be requested to take into account the views of Chippenham Town Council on Monkton Park when conducting their County wide leisure review.

C49. Report on Implementation Executive Meetings

An oral update was given by the Deputy Leader of the Council on the meetings of the Implementation Executive held on 29 October and 13 November 2008.

The following issues were reported:

- Consultation was currently taking place on staffing structures.
- The majority of officers would be informed of their position in the new unitary authority by the end of the year.
- All officers would know who they would be reporting to by January and interviews for certain posts would be taking place early in the New Year.

C50. Questions on Notice from Councillors – Council Procedure Rule 14.2.

No questions from Councillors were received.

C51. Notices of Motion – Council Procedure Rule 15

No Notices of Motion were received.

The meeting started at 7.00 pm and finished at 8.05pm.

No members of the public were present.