

Draft Minutes of the Council Meeting held on Tuesday 24 February 2009 at the Council Offices, Monkton Park, Chippenham

Present:

Chairman.....Councillor I.J. Henderson.

Councillors DB Allen, C Berry, C Boase, AM Bucknell, CJ Caswill, A Clements, PCB Coleman, C Crisp, PR Darby, JP Doubell, SK Doubell, GR Greenaway, MEM Groom, JL Hall, R Henning, PJ Hutton, T Jones, J Lay, RB MacGregor, S Meadowcroft, S Meadows, RL Miles, S Parker, JA Phillips, N Phillips, H Plenty, C Reid, P Roberts, W Roberts, JA Scott, J Scragg, TR Sturgis, JPSS Thomson, RL Tonge, A Wannell and C Wannell.

Officers Present: P Jeremiah (Legal Services Manager), S McGregor (Assistant Chief Executive) and M Todd (Senior Democratic Services Officer).

C63. Apologies for Absence

Apologies for absence were received from Councillors K Banks, P Doyle, H Greenman, J Hartless, M Hatton, A Hill, E Marston, A Pier, C Ramsey, S Still, A Trotman and V Vines.

C64. Minutes

The minutes of the Council Meeting held on 27 January 2009 were considered.

Resolved that the minutes of the meeting held on 27 January 2009 be confirmed and signed as a correct record.

C65. Declarations of Interest

There were no declarations of interest.

C66. Presentation re Communications

Laurie Bell, Service Director for Policy, Resources and Communications gave a very informative presentation regarding communications relating to Wiltshire Council. The presentation covered the following issues:

- Road Shows
- Literature and Publications
- Corporate Plan
- Media Activity
- Web-Site
- Interim Period
- Internal Communications



C67. Chairman's Announcements

(a) Long Service Awards

The Chairman reported that on 17 February 2009 he had presented 65 members of staff with Long Service Awards for their service at North Wiltshire District Council. Members congratulated the staff on their achievement and thanked them for all their hard work over the years.

(b) Carol Service

The Chairman informed members that just under £1,000 had been raised for the Bobby Van charity at the North Wiltshire District Council carol service.

(c) Fair Trade/Red Nose Day

A Fairtrade Coffee morning would be held on Friday 6 March from 10am in the Committee Rooms with a raffle being drawn at 2pm. All funds would go to Comic Relief.

(d) Information Point – One Council for Wiltshire

The Chairman drew to members' attention the "One Council for Wiltshire" information point which was located in the reception area of the Council offices.

(e) Councillors Doyle and Hartless

The Council sent its best wishes to Councillors P Doyle and J Hartless who were both unwell and unable to attend the meeting. Members wished both Councillors a speedy recovery.

C68. Public Question Time/Receipt of Petitions

There were no public questions or petitions.

C69. Question Time

(a) Councillor S Doubell – Minute No. C59 – Development Control Meetings

Councillor S Doubell asked which body the Development Control Committee would report to during the transition period.

Councillor J Thomson responded by stating that the Committee would report to Wiltshire County Council as the continuing authority.

C70. Report on Implementation Executive Meetings

An oral update was given from the Deputy Leader of the Council on the meetings of the Implementation Executive (IE) held on 28 January and 11 February 2009.

The following issues were discussed:

- The main thrust of the 28 January meeting was to set the budget for the new Wiltshire Council. A balanced budget with an increased Council Tax of 3.5% was agreed with no overall cuts in service.

- The Corporate Plan, the robustness of reserves, the Constitution for the new Council and the process of the appointment of the Chief Executive had also been discussed.
- The IE had also discussed the procedure for planning and licensing decisions during the interim period.
- The February meetings had included a further report on the budget, the dedicated school grant and the Local Authority Agreement.

C71. Questions on Notice from Councillors – Council Procedure Rule 14.2

The following questions were received from Councillors under Council Procedure Rule 14.2.

(1) By Cllr Sylvia Doubell:

i) To the Leader

What proportion of the discretionary financial allocations and awards made or authorised since May 2007 by members of the Executive have been reported in Executive or Council minutes?

Response

All financial awards made by the Executive in the 2007/08 and 2008/09 years to date have been reported in Executive or Council minutes. This reporting has been in the form of either Award Update reports or the Council's Financial/Budget reports.

ii) To the Leader and Cllr Crisp

Of the discretionary awards made by the Executive and community awards made by Area Committees since May 2007

- (a) How many and
- (b) What proportion

have had explicit carbon reduction or energy saving objectives?

Response

(a) How many

In the 2007/08 year awards were made to 3 applicants' projects which had explicit carbon reduction or energy saving objectives.

In the 2008/09 year 44 community facilities were awarded an energy efficiency audit – to highlight energy saving opportunities that could be achieved through a change in behaviour or through a change in the fabric of the building. 33 of those facilities were funded to implement physical improvements to the building (e.g. heating, lighting, insulation). The total expenditure was £500k including studies.

A further 5 projects were funded by the Area Committees or the Executive that were driven by objectives that included energy savings.

Additionally £180k of discretionary funding is being used on energy savings in the Leisure Centres.

I hope that Council will agree that these grants are a positive contribution towards reducing energy costs and North Wiltshire's carbon footprint.

(b) Proportion

This data has not been captured separately, but clearly £740K towards energy efficiency schemes is a large proportion of the overall grants made.

(2) **By Cllr Chris Caswill:**

i) To the Leader

a) What are the current best estimates of the capital and revenue balances which will be transferred to the new authority on 1 April 2009? And

b) What is the origin of the sum of £220,000 "additional investment income" which is reported in the Budget papers for the new authority as transferring across from this Council?

Response

a) **The current forecast position remains unchanged to that previously declared at the Council Meeting on 27 January 2009. Capital Reserves of £10M and a General Fund balance of £7.5M.**

b) **This council has not constructed the new council's budget and is unable to comment on how they have presented their information. This would have been a question best asked at the Joint Overview and Scrutiny Transition Board (JOSTB) review of the Wiltshire Council budget on 17 February 2009.**

Councillor Caswill then asked the following supplementary question:

Why is this Council able to meet such a large proportion of the general fund (38%)?

Response

The Leader of the Council stated that although this seemed a large sum of money other Councils had more assets to hand over to the new authority. Different accounting methods were also used by the District and County Councils.

ii) To the Leader

Does he agree that the high level of funds being transferred to the new authority means that this Council could have afforded a Council Tax freeze in the current year?

Response

No I don't agree.

This administration does not take risks with the budget.

In respect of 2008/09 based on the information and budget requirement there was a need to increase Council Tax, but this was only by 1.6%. Reserves are held for emergent requirements and as events are unfolding this would remain a prudent view.

Had we been a continuing authority we would have had to consider carefully what level of council tax we might have set, taking into account the dramatic loss of income from investments as a result of the credit crunch and material reduction in interest rates.

iii) To the Leader

How many North Wiltshire District Council staff are still waiting for decisions on their future jobs in the new unitary council?

And how many staff were still in this position on 31 January?

Response

There are 69 people still awaiting decisions, 15 people who have been informed that they do not match to a post (these people will have access to other roles within their service area), 6 who have been either given ownership or appointed to a post and 9 who have been given notification of redundancy by North Wiltshire District Council. The appointment process is ongoing and the position is subject to change on a daily basis.

There were 99 people still awaiting decisions at the time of the last Council meeting.

Councillor Caswill then asked the following supplementary question:

Would the Leader agree that the fact that that many staff would not be aware of their position until extremely late in the process was evidence of a lack of corporate leadership?

Response

The Deputy Leader of the Council did not agree and stated that the situation was currently changing on a day to day basis. Unmatched staff were now talking to their service directors. It was important to ensure that people ended up with the right jobs. Staff understood the process and it was being carried out as quickly as possible. There should be very few redundancies.

iv) To the Leader

What was the cost of printing the 'Are you doing enough?' Recycling Leaflet which was recently delivered to North Wiltshire Households *and* What was the cost of getting it put in envelopes and delivered?

Response

These leaflets have been distributed for the last 3 years. This particular batch of 4,000 targeted at Calne and Yatesbury cost £960.00 in postage and no other additional costs were incurred (existing staff put them in envelopes.)

v) To the Leader

Will he confirm that the background papers for the Wiltshire Council 2009/10 budget reveal that this Council has a poor rating for percentage of invoices paid on time in 2007-8?

And a significantly poor rating for working days lost due to sickness absence, also in 2007-8?

Response

As reported at the last Council meeting there have been dramatic improvements to processing invoices and we achieved 68% clearance in 10 days during the test week in December 2008.

The Annual Monitoring Report to the Personnel, Licensing and Administration Committee on the 8th September 2008 reflects that the average days lost sickness was 12.81 which was an improvement against the average of 13.27 days lost in 2006/7

Councillor Caswill then asked the following supplementary question:

Would the Leader explain why the ratings were so poor?

Response

The Leader explained that the number of days lost to sickness had actually decreased in the last year.

vi) To the Leader

How many Community area awards were made (or will have been made) in;

- (a) 2007-8? and
- (b) 2008-9?

Response

In the 2007/08 year a total of 78 Community Area Awards were made.

In the 2008/09 year a total of 143 Community Area Awards have been made.

Note: For the 2008/09 year the Streetscene Budget of £10,000 per community area, previously managed by Officers in the Assets Design and

Regeneration Team was directly awarded by the Area Committees. These awards account for 24 of the 143 total.

vii) To Cllr Christine Reid

Is she aware that the work of the Joint Overview and Scrutiny Transition Board (JOSTB), on which she represents this Council and the taxpayers of North Wiltshire, is both invisible and inaccessible on the Wiltshire County Council web site?

Has she made any recorded representations to improve this situation?

What steps will she be taking to encourage improved visibility and accountability for this Board between now and June 4th?

Response

There are links to the JOSTB papers on the WCC website, they are listed under the County Council Scrutiny papers, and the IE is under the County Council Executive papers.

I have asked the Scrutiny Officers at the County Council if they can signpost these papers more clearly, it will be raised at their team meeting this week, and I have given notice that I will raise it at the next JOSTB meeting.

<http://194.72.162.210/documents/dscqi/ds.py/View/Collection-1434>

or on

www.wiltshire.gov.uk > Towards One Council > Members' Information > Overview & Scrutiny Joint Transition Board > (Meeting Date).

or

www.wiltshire.gov.uk > Council Meetings > Meeting Papers > Overview & Scrutiny Management Committee > Overview & Scrutiny Joint Transition Board > (Meeting Date).

(2) By Cllr Ross Henning

i) To the Leader and Cllr Bucknell

What are the full actual and estimated costs of the Area Board meetings which have been held and will be held in the North Wiltshire District in 2008 and 2009, including the costs of literature, officer time and the proportionate share of room hire?

Response

The costs of Area Board meetings are marginally higher than those of Area Committees, this additional marginal cost has been absorbed within the budget for this activity. The precise cost is not reported separately.

ii) To the Leader

Concerning the Section 106 monies that are currently held by the Council, or committed by developers,

- a) What is the total amount of money available, but not allocated for specific projects?
- b) To what specific sites and areas are these unallocated monies linked?

Response

a) There is no money available which is not allocated to specific issues/projects, in accordance with the terms of the original legal agreements.

b) Not applicable in view of the response to question (a).

C72. Notice 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) Interim Period between the District Council and the Wiltshire Council

The following Motion was moved by Councillor CJ Caswill and seconded by Councillor R Henning:

Part 1

This Council notes with regret that there will be a gap of over 8 weeks between the demise of this elected authority and the election of members of the new Wiltshire Council. The Council is aware of the responsibility that this gap places on the small number of County and former District Councillors who make up the so-called Implementation Executive, who will be appointed to take decisions affecting the citizens of North Wiltshire in the interim period, and recognizes the importance of that group having a balanced and representative membership.

Council is also concerned that the arrangements for local government in North Wiltshire in this period are not understood by the vast majority of Council-taxpayers, and that adequate arrangements for public accountability are not in place.

Council therefore resolves *firstly* to put in place an urgent programme of public information about the arrangements for the interim period, these to include:

- Publication of a leaflet, to be made available in the Monkton Park office lobby, providing information about contacting members of the IE, meeting dates and locations, arrangements for Development Control meetings, dates and locations ; contact details for County Councillors and the district wards they represent; responsibilities for front line

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services such as waste collection in the interim period; and opportunities for accountability and complaint

- Distribution of copies of this leaflet to Town and Parish Councils, and local libraries, and through any other channels that are available in the next 35 days
- Urgent action to provide this information on the District Council's web site
- Support of these actions by press releases and all party collaboration in the publicity campaign

Part 2

And *secondly* to recommend to the IE and the County Council that :

- This Council's web site, in which a great deal of public money has been invested, be kept live during the interim period on a low maintenance basis, as familiar port of call for North Wiltshire citizens, and a ready source of information and accountability
- Urgent action is needed over the next 35 days to improve the value and accessibility of the County council's cumbersome web site, so that it can provide easy access to information about the meetings, deliberations and decisions of the IE
- The nominees of this Council on the IE report back to the citizens of North Wiltshire on a weekly basis, finding useful and cost effective ways to do so

Part 3

And *thirdly*, to strengthen the credibility of the IE by improving its geographical and political balance.

- To that end, council resolves that one of its two representatives on the IE be Cllr Patrick Coleman, thereby providing a political balance more in keeping with the votes cast by Wiltshire citizens, and including an elected councilor from Chippenham at a time when important decisions on the future of the town are likely to be made

Part 4

And *fourthly*, Council resolves to take this opportunity to recommend to the IE that in this interim period it bears in mind the particular interests of the citizens of North Wiltshire, and particularly that:

1. it take all steps available to it in this period to prevent building on the flood plain and in the vicinity of the Birds Marsh reserve
2. it should belatedly make representations to government and the Regional Development Agency about the scale of development proposed for the outskirts of Chippenham
3. it ensures that a town, county or former district councillor be included in the decision making process on the disposal of the Bath road site in Chippenham
4. the defence of the decision on the Langley Park site in Chippenham also be pursued vigorously .

The following issues were discussed:

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- The view was put forward that the Implementation Executive was made up of 17 Councillors but was unrepresentative of the political make-up of the Councils in Wiltshire.
- There was a lack of clarity and accountability around the work of the IE.
- The Government had decided on the regulations which should govern the work of the Implementation Executive.
- Implementation Executive meetings were open to anyone wishing to attend. The public were able to speak at these meetings.
- Appointments had been made to the IE in February and these had been agreed by full Council.
- There was an intensive communications campaign currently taking place to inform local people of the imminent changes to local government in Wiltshire.
- The website was already being tested and would go live on 1 April 2009.
- Improvements needed to be made to improve the information available to the public relating to the new Wiltshire Council.
- It was important to safeguard the interests of Chippenham in the last few weeks of the District Council's existence.
- There were concerns about proposals to build on the flood plain in Chippenham.
- It was pointed out that any planning application submitted for building on the flood plain would be subject to the full planning process including consideration by the Development Control Committee if necessary. There were planning policies in place relating to development on flood plains.
- The Council had agreed to challenge the development to the west of Swindon but had not challenged the development proposed for the Chippenham area due to the number of houses being exceeded due to the windfall development.

Members agreed to vote on the motion in two separate parts (Parts 1- 3 and Part 4).

Councillor C Caswill requested a recorded vote in accordance with Council Procedure Rule 37A.

Voting on parts 1-3 of the motion was as follows:

<u>For</u> (11)	<u>Against</u> (22)	<u>Abstention</u> (0)
Councillor DB Allen	Councillor C Berry	
Councillor CJ Caswill	Councillor CMR Boase	
Councillor PCB Coleman	Councillor AM Bucknell	
Councillor PR Darby	Councillor A Clements	
Councillor JP Doubell	Councillor C Crisp	
Councillor SK Doubell	Councillor GR Greenaway	
Councillor JL Hall	Councillor MEM Groom	
Councillor R Henning	Councillor IJ Henderson	
Councillor RB MacGregor	Councillor PJ Hutton	
Councillor SB Meadowcroft	Councillor T Jones	
Councillor J Scragg	Councillor J Lay	
	Councillor S Meadows	
	Councillor RL Miles	
	Councillor S Parker	
	Councillor A Phillips	

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	Councillor N Phillips	
	Councillor HR Plenty	
	Councillor P Roberts	
	Councillor W Roberts	
	Councillor RL Tonge	
	Councillor A Wannell	
	Councillor C Wannell	

(Note: Councillors C Reid, J Scott, T Sturgis and J Thomson had left the meeting when the vote was taken).

Parts 1-3 of the motion were therefore **lost**.

Councillor R Tonge moved and Councillor A Bucknell seconded the following amendment to Part 4 of the motion:

No. 2 to remove the word “belatedly”.

No. 3 to read “it ensures that Councillor SK Doubell continue to be included in the decision making process on the disposal of the Bath Road site in Chippenham.”

Councillors Caswill and Henning accepted the amendments to the motion.

Arising from a question from members the Solicitor to the Council advised that voting on this motion did not mean that they would be precluded from considering any planning application relating to the particular sites mentioned.

Voting on Part 4 of the motion as amended was as follows:

<u>For</u> (33)	<u>Against</u> (0)	<u>Abstention</u> (0)
Councillor DB Allen		
Councillor C Berry		
Councillor CMR Boase		
Councillor AM Bucknell		
Councillor CJ Caswill		
Councillor A Clements		
Councillor PCB Coleman		
Councillor C Crisp		
Councillor PR Darby		
Councillor JP Doubell		
Councillor SK Doubell		
Councillor GR Greenaway		
Councillor MEM Groom		
Councillor JL Hall		
Councillor IJ Henderson		
Councillor R Henning		
Councillor PJ Hutton		
Councillor T Jones		
Councillor J Lay		
Councillor RB MacGregor		
Councillor SB Meadowcroft		
Councillor S Meadows		
Councillor RL Miles		

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Councillor S Parker		
Councillor A Phillips		
Councillor N Phillips		
Councillor HR Plenty		
Councillor P Roberts		
Councillor R Roberts		
Councillor J Scragg		
Councillor RL Tonge		
Councillor A Wannell		
Councillor C Wannell		

(Note: Councillors C Reid, J Scott, T Sturgis and J Thomson had left the meeting when the vote was taken).

The motion as amended was therefore **carried**.

It was therefore **resolved** that given the advice by the Solicitor to the Council to recommend to the Implementation Executive that in this interim period it bears in mind the particular interests of the citizens of North Wiltshire and in particular that:

- (1) it takes all steps available to it in this period to prevent building on the flood plain and in the vicinity of the Birds Marsh reserve.
- (2) it should make representations to government and the Regional Development Agency about the scale of development proposed for the outskirts of Chippenham.
- (3) It ensures that Councillor S Doubell continue to be included in the decision making process on the disposal of the Bath Road site in Chippenham.
- (4) the defence of the decision on the Langley Park site in Chippenham also be pursued vigorously.

(b) The Credit Crunch

The following Motion was moved by Councillor SK Doubell and seconded by Councillor D Allen.

This Council is aware of the problems caused to residents and small businesses in North Wiltshire caused by recent high inflation, the "credit crunch" and subsequent economic recession, and resolves to minimise their impact through the following actions in the period up till March 31st:

- Paying due invoices without delay, noting with regret that this Council has been given a 'poor' rating for paying invoices on time, in the performance information for the 2009/10 Wiltshire budget

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- Being understanding and flexible where residents and local businesses are having difficulty making payments to the District Council;
- Referring residents in financial difficulties to debt advisory services;
- Running a good neighbour campaign to encourage residents to keep an eye out for their neighbours to ensure they have enough food and heat, particularly the elderly and vulnerable;
- Providing a hotline number for people to call if they are having problems, or know of people having problems, staying warm or getting appropriate balanced meals;
- Working with the voluntary sector to support those who find themselves in difficulty, including advice on benefits entitlement, energy advice, staying warm and accessing affordable food;
- Investigating participating in a mortgage rescue scheme that would enable housing associations to take an equity share in the homes of owner-occupiers who are having difficulty meeting their mortgage payments;

Furthermore this Council commends these actions to the Implementation Executive for the period in which they will have responsibility for the welfare of the citizens of North Wiltshire, and commends them as good practice to the successor Wiltshire Council.

The following issues were discussed:

- This was a particularly worrying time for small businesses due to the credit crunch.
- Measures had already been put in place by the Executive to assist residents of North Wiltshire who may be experiencing financial difficulties.
- It was important to send a clear message to the new Wiltshire Council to ensure that this work continued after March 2009.
- The payment of invoices could be improved upon as cashflow was very important to small businesses.
- It was noted that the measures put in place by this Council had been commended by the LGA.
- Many of the actions mentioned in the motion were already underway such as the mortgage rescue scheme.

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

“This Council is aware of the problems caused to residents and businesses in North Wiltshire caused by the “credit crunch” and subsequent economic recession, and resolves to minimize their impact through the following actions in the period up to 31 March 2009.

- (1) To ensure that due invoices are paid without delay.
- (2) To seek assurance from the Implementation Executive that these and other similar actions will be continued for the period in which they will have responsibility for the welfare of citizens of North Wiltshire, and commends them as good practice to the successor Wiltshire Council.”

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Councillors S Doubell and D Allen agreed to accept this amendment.

On being put to the vote the motion, as amended, was **carried**.

The meeting started at 7.00 pm and finished at 9.07pm.

There was one member of the public present.