

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **WEST WILTSHIRE DISTRICT COUNCIL**

Held on: **WEDNESDAY 20 February 2008**

Held at: **COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE**

Present: Councillors Alford, Binding, Blakemore, Bolwell, Brown, Bryant, Burden, Carbin, Carr, Clark, Conley, Coop, Davis, Denison-Pender, Eaton, Ezra, Fortescue, Fuller, Hedley, Humphries, Jenkins, King, March, Martindale, Mounde, Mudge, Newbury, H Osborn, J Osborn, Parks, Payne, Phillips OBE, Repton, Ridout, Swabey (Chairman) Walker, and While

Officers: Chief Executive (AP), Corporate Directors (TD and IG), Head of Legal Services (NM), Head of Financial Services (IJ), Head of Human Resources and Customer Services (SL), Sustainable Communities Services Manager (RR), Principal Environmental Health Officer (CH), Member Support Team Leader (KH) and Member Support Officer (AM)

Also in attendance: Tony Frost (Chairman of Standards Committee)

1. Apologies

Apologies for absence were received from Cllrs Griffiths, James, Seager, and Wiltshire.

2. Declarations of Interest

Item No. 11 – Reps on outside bodies	Cllr Martindale	Personal interest – Executive Member of Racial Equality Council
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Item No. – 15 Standards	Cllr Clark	Personal interest – Member of Standards Committee
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Item No. 12 - Update on LGR	Cllrs: Clark, Fuller, Newbury, J Osborn, Swabey, While	Personal interest – Members of Wiltshire County Council
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	Cllr Davis	Personal and prejudicial interest – Member of Wiltshire County Council
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Cllrs: Payne, Phillips OBE,
Conley, Davis, Fortescue,
March, Mounde, While

Personal Interest -
Member may be
affected by loss of
significant allowances

3. Announcements from the Chairman

The Chairman thanked the Chief Executive for all the work he had put into the Authority during the four years he had been at WWDC and wished him all the best for the future and his move to BANES. The Chairman then invited members of Council to pass on their thanks and good wishes.

The Chairman asked if Members of the Staffing Appointments Committee would stay behind at the end of the meeting.

4. Minutes

Note: Cllr Clark noted that with reference to minute number 114, the questions had not been appended to the minutes.

The minutes of the council meeting held on 21 November 2007 were approved as a correct record and signed by the Chairman.

5. Questions from Members of the Public

No questions had been received.

6. Revenue and Capital Budget 2008/2009

Cllr While presented a report asking Members to consider the proposed revenue and capital budgets for the financial year 2008/09.

Note: Questions from a Member of the Council. Cllr J Osborn asked if he could put his questions to Cabinet Members at this point as they referred to the Revenue and Capital Budget 2008/2009. The Chairman allowed Cllr Osborn to put his questions. The questions and answers are appended to these minutes.

A debate ensued

RESOLVED:

That Council agrees the following spending proposals for 2008/09:

A general fund revenue budget of £15,363 million for which a council tax level band d of £142.29 will be levied.

Approves the capital programme of £1.937 million.

7. Council Tax Setting – Council Tax Resolution

Cllr Payne presented a report that recommended the level for the setting of the Council Tax for 2008/2009.

RESOLVED:

That it be noted that at its meeting on 9 January 2008, the Cabinet calculated the amount of 47,580.78 as the Council Tax base for the year 2008/2009 in accordance with Regulation 3 of the Local Authorities (calculation of Council Tax base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992 (as amended)

That the following amounts be now calculated by the Council for the year 2008/2009 in accordance with Section 32 to 36 of the Local Government Finance Act 1992 (as amended):-

	£
Total gross expenditure including expenditure of £2,955,571.00 for Town and Parish precepts	56,073,143
Total gross income including use of balances	37,753,988
TOTAL NET EXPENDITURE:	18,319,155
Less:-	
Revenue Support Grant	1,058,526
National Non-Domestic Rates	7,603,909
Community Charge Collection Fund Surplus	0
Council Tax Collection Fund Deficit	(69,120)
AMOUNT REQUIRED FROM COUNCIL TAX:	9,725,840

These are aggregate amounts calculated in accordance with the Local Government Finance Act 1992, Sections: -A) 32(2) a to e B) 32(3) a to c C) 32(4).

There are no Special Expenses as defined under S 35(2) d.

We are now required to calculate a number of Council Tax amounts known as “basic amounts of Council Tax”. This is in accordance with the Local Government Finance Act 1992 and the relevant sections are shown in brackets.

We need to calculate the basic Council Tax for the authority as a whole (S.33). This is our net budget requirement (£9,725,840) divided by our total tax base (47,580.78) and equals £204.41.

As we have town and parish precepts included in this figure, it is necessary to make a further calculation (S.34(2)).

The basic amount for every town and parish is calculated by deducting from the £204.41 previously calculated, the amount of "special items" (£2,955,571.00) divided by our total tax base.
i.e. £204.41 - (£2,955,571.00 / 47,580.78)

In accordance with S.34(2) of the Local Government Finance Act 1992 it is therefore RECOMMENDED that:-

The basic amount for all towns and parishes is £142.29 and in accordance with S.36(1) the bandings are:-

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
94.86	110.67	126.48	142.29	173.91	205.53	237.15	284.58

We also need to calculate a basic amount for each parish area for which any precept issued to the authority, which is applicable to a part of its area and was taken into account by it in making the calculation in relation to paragraph 2.above. (see Parish column in Appendix A).

That it be noted that for the year 2008/2009 the major precepting authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Act 1992, for each of the bandings shown below:-

Precepting Authority	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Wiltshire County Council	680.39	793.79	907.19	1020.59	1247.39	1474.19	1700.98	2041.18
Wiltshire Police Authority	96.89	113.04	129.19	145.34	177.64	209.94	242.23	290.68
Wiltshire Fire Authority	38.49	44.91	51.32	57.74	70.57	83.40	96.23	115.48

That in accordance with S.30(2) the amounts set out in Appendix A be approved as the Council Tax levels for 2008/2009.

That the Head of Finance or any Officer designated by him, be authorised to deal with all matters relating to the Council Tax administration, billing, collection, recovery and administration of Council Tax benefits.

8. Capital strategy 2008

Cllr While presented a report asking Members to consider the Capital Strategy for 2008.

RESOLVED:

That Council;

- a) Approve the Capital Strategy, and;**
- b) Subject to the actual regulations and guidance to be issued, calculates the minimum revenue provision using the 'Asset Life Method'.**

9. Treasury Management Strategy Report

Cllr While presented a report that sought Council approval for the prudential indicators for 2008/09 and the Treasury Strategy 2008/09, which set out the strategy to be pursued in the coming financial year and includes the Investment Strategy. The report was considered by Cabinet at its meeting on 6 February and recommended for approval. Future years 2009/10 and 2010/11 are included for information, against a background of Local Government Reorganisation on 1 April 2009.

RESOLVED:

That Council:

- a) Adopts the revised Prudential Indicators for 2007/08 and the Prudential Indicators and limits for 2008/09 contained within Appendix A of the report.**
- b) Approves the Treasury Management Strategy 2008/09 and the treasury Prudential Indicators contained within Appendix B.**
- c) Approves the Investment Strategy 2008/09 contained in the Treasury Management Strategy Appendix B.**

10. Future Management Arrangements – Statutory Officers

Cllr Payne presented a report to enable Council to decide the statutory management arrangements for the Council in the last year of its operation following the departure of the existing Chief Executive.

NOTE: The following Officers left the Chamber during the debate and voting on this item. Corporate Directors (TD and IG), Sustainable Communities Services Manager (RR) and Principal Environmental Health Officer (CH).

RESOLVED:

That Council agree:

- **The nominations for the statutory roles as set out below**
 - **Tim Darsley continuing as Monitoring Officer and Ian Gallin becoming Head of Paid Service.**
 - **Tim Darsley becoming the returning officer or acting returning officer for local and parliamentary elections in West Wiltshire.**
- **The implementation of these changes as set out in the report which will become fully effective from 31 March 2008.**

Key Decision Box

Statement of reason for key decision	To fulfil Council statutory requirement to appoint a Head of Paid Service.
Options considered and rejected	Appointment of interim Chief Executive, major re-allocation of roles, any other options likely to disrupt Council activity unnecessarily.
Date of implementation	21 February 2008

11. Membership Implementation Executive and Joint Overview and Scrutiny Transition Board

Cllr Payne presented a report confirming this Council's representation on the Implementation Executive and the Joint Overview and Scrutiny Transition Board, ready for both bodies to begin a formal role if or when the Structural Change Order for Wiltshire is adopted by Parliament.

NOTE: Cllr J Osborn requested that the minutes of the Joint Overview and Scrutiny Transition Board (JOSTB) be requested from Wiltshire County Council for the meeting in which the voting took place to increase District Council membership on JOTSB.

RESOLVED:

That Council

- **Approves Tony Phillips and Rod Eaton as this Council's nominations for the Implementation Executive for Wiltshire subject to the Structural Change Order for Wiltshire being made.**
- **Approves Keith Humphries and Pip Ridout as this Council's nominations for the Joint Overview and Scrutiny Transition Board.**

- **Delegates authority to the Council's Head of Paid Service in consultation with its Leader to confirm these nominations as soon as possible following approval of the Order.**

12. South West Local Government Association – Consultation about Local Representation

Cllr Phillips OBE presented a report which asked Council to formulate a response to the South West Local Government Association consultation about Council representation on:

- A new Regional Strategic Leadership Board
- A new South West Councils' Body

RESOLVED:

That Members should forward their replies to the consultation to the Chief Executive who will liaise with Cllr Phillips OBE to develop this Councils reply.

13. Reports of Committees

Council was asked to receive and note the minutes of the following meetings. This was also an opportunity for Members to ask questions for information or clarification.

Meeting	Date	Minute No.'s
Cabinet	5 December 9 January 6 February	165-180 1-10 13-26
Audit	13 December	42-56
Licensing	14 November 11 December 24 January	14-20 21-25 1-5
LJCC	17 December	34-37
Melksham Area Seminar	29 January	1-18
Planning	15 November 29 November 6 December 3 January 17 January 31 January	125-131 132-137 138-144 1-6 7-12 13-18
Scrutiny	22 November 19 December 23 January	74-83 84-95 1-11

Staffing Appointments Committee	17 January	4-5
Westbury Area Seminar	17 September	1-18

RESOLVED:

That the minutes of the above meetings be received and noted.

14. Notices of Motion

Cllrs J Osborn & Hedley – Extra Bring Sites

Recognising the concern of the residents of West Wiltshire and their increasing commitment to recycling, this Council commits itself in the coming financial year to providing an extra Bring Site - for Cardboard and Plastic - in each of five towns. The Budget should be reconfigured to make this possible.

RESOLVED:

That the motion is referred to Cabinet

15. Questions from Members of the Council

Questions were received from Cllr Jeff Osborn to Cllr Roy While and Cllr Linda Conley (see minute number 6 above). The replies were tabled at the meeting.

Questions were also received from Cllr Russell Hawker to Tony Frost, Chairman of the Standards Committee. The replies were tabled at the meeting. Cllr Hawker was not present that the meeting.

Note: A copy of the questions and responses are attached as an Appendix to these minutes.

16. Representatives on Outside Bodies – Reporting Back

The Chairman invited Members to report back on meetings of outside bodies they had attended as representatives of the Council.

The following reports were made:

Cllr Martindale – Wiltshire Racial Equality Council

Cllr Martindale's reported that WWDC will be removing their funding at the end of the SLA on 31 March 2008. Funding will be provided for one year from WCC, PCT and Kennet DC. Fundraisers have also been appointed. The Executive has been strengthened and meetings are being held approximately

every two weeks. There has been positive feedback for the work WREC is doing for black and ethnic minority groups.

Cllr Mudge – Wiltshire Community Safety Partnership Group

The last meeting was held in Chippenham in January. It is a broad group with involvement from a number of organisations. Discussions took place on the problems caused by excessive alcohol use; Chippenham had introduced an alcohol free zone. The Group supported the 4.5% increase in the police budget for 2008-09.

Cllr Mudge – Wiltshire Primary Care Trust (PCT) Board Meeting

Cllr Mudge had attended the PCT meeting on 19 February 2008. Briefing notes for this meeting had been placed in the Members Room.

Cllr Carr – Wessex Water Customer Liaison Group

Cllr Carr attended the Wessex Water Customer Liaison Group on 14 February 2008. It was noted that all Wessex Water reservoir and aquifers are at full capacity at present.

Customer charges for 2008/09 have now been decided, and will result in an average domestic bill of £395, which corresponds approximately to an average 7.8% increase. This was imposed on Wessex Water by OFFWAT.

Wessex Water will shortly be implementing a trial to assess potential new and flexible tariffs for metered water.

Cllr Carr – Wilts and Berks Canal Partnership

Cllr Carr attended the Wilts & Berks Canal Partnership on 13 December 2007. The Trust was dismayed that, despite the advanced stage of planning and negotiation, based on the Black & Veitch report, for the route that takes the proposed canal from Semington through central Melksham via the river Avon, this is not reflected in the council's new local development framework. Consequently the Trust has lodged a formal objection to the Leisure and Recreation Development Plan document with the secretary of state.

Cllr J Osborn – West Wiltshire Housing Society (WWHS)

WWHS had approved a new Corporate Plan to look for housing developments outside of the District, but would still be within a maximum of one hours travelling time.

17. Update on Local Government Reorganisation

Cllr Eaton updated Members on the progress with the Local Government Reorganisation. This included:

- Draft orders went through Parliament on 5 February 2008; the vote had been at 12.30pm on 6 February 2008. Outcome was that the vote was in favour of the orders.
- 11 staff had left, or are leaving, WWDC during January/February/March 2008.
- The Implementation Executive is next due to meet on 19 March 2008.
- A letter is going out from County to all front line staff explaining that these services will remain based within the current towns.

Cllr Phillips OBE updated Members on the proceedings at the Judicial Review that he had recently attended. The case had been completed on Wednesday 30 January 2008, a decision will be due in a couple of weeks.

18. Trowbridge Town Centre Alcohol Consumption in Public Places Order

Cllr March presented a report, the purpose of which was to:

- Present the information relating to the proposal to adopt a town centre wide 'Designated Public Place Order' (DPPO) under section 13(2) of the Criminal Justice and Police Act 2001
- Request Council to make this Order

RESOLVED:

That Council agrees to the making of the Order to introduce a Designated Public Place Order in Trowbridge as described in this report.

19. Designation of Consent streets for Street Trading

Cllr Conley presented a report requesting that Council formally designate streets as 'consent streets' following a review of the scheme by the Licensing Committee.

RESOLVED:

That Council approves that the streets listed in the Appendix shall be designated as Consent Streets for the purposes of the Local Government (Miscellaneous Provisions) Act 1982

The designations will come into force on 1 June 2008.

20. The Size and Membership of the Standards Committee

Tony Frost presented a report recommending an increase in the size, and a revised membership of, the Standards Committee, in order for it to be able to undertake its new responsibilities under the Local Government and Public Involvement in Health Act 2007.

RESOLVED:

That Council

- (i) **Agrees to increase the size and amend the composition of the Standards Committee as recommended by the Standards Committee in its decision of 12 February 2008.**
- (ii) **Approves the amendment of Article 9 of the Constitution to incorporate the agreed size and composition of the Standards Committee.**
- (iii) **Approves the amendment of Article 9 of the Constitution to incorporate the requirements of the Local Government and Public Involvement in Health Act 2007 and relevant regulations when issued.**
- (iv) **Agrees the recruitment of the necessary additional members, with the appointments to be approved at the April Council meeting.**

21. Cabinet Forward Workplan

The Leader presented the latest Cabinet Forward Work Plan.

RESOLVED:

That the Cabinet Forward Work Plan be received and noted.

22. Urgent Departure Decisions – Reporting Back

No urgent decisions had been made.

(7.00 – 9.30pm)

These minutes were prepared by Andrew Mitchell, Member Support Officer, who can be contacted on telephone number 01225 776655 ext. 242