

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

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

Held on: **WEDNESDAY 8 NOVEMBER 2006**

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

Present: Councillors Batchelor (Chairman), Barker, Blakemore, Bower, Brice, Brown, Bryant, Burnan OBE, Carbin, Chivers, Clark, J Clegg, Conley, Content, Cox, Cunliffe-Jones, Davis, Farkas, Fortescue, Hames, Hawker, James, Knight, Lewis, Lovell, March, Mounde, Mudge, Newbury, Oakman, Oldrieve, Osborn, Payne, Phillips OBE, Repton, Ridout, Rosier, Viles, While and Wiltshire.

Also present: Tony Frost, Chairman of the Standards Committee

Officers: Chief Executive (AP), Corporate Director (TD), Head of Legal & Democratic Services (NM), Head of Human Resources (SL), Policy & Scrutiny Officer (ML), Member Support Team Leader (YR) and Member Support Officer (MS)

96. Apologies

Apologies for absence were received from Cllrs Baker, M Clegg, Manasseh and Swabey.

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97. Declarations of Interest

Cllr Clark declared an interest in the urgent business item: Proposed Hilperton and Holt District Ward (minute no.102 (b) refers) as Chairman of Hilperton Parish Council.

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98. Announcements from the Chairman

Order of Agenda

The Chairman gave notice that he would be varying the order of the agenda to accommodate two items of Urgent Business, namely:

- The Local Government White Paper
- Naming of the Proposed Hilperton and Holt Ward

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Warminster West By-election Results

Details of the recent by-elections held on 2 November were presented as follows:

Warminster West District Ward

Roger Coveney	Lib Dem	448
Philippa Ridout	Cons	572 ELECTED
Michael Turner	Ind	332

Warminster West County Division

Paul Batchelor	Lib Dem	548 ELECTED
Christopher March	Cons	543
Michael Turner	Ind	273

The Chairman welcomed Cllr Ridout to her first Council meeting. The Leader congratulated the Chairman on his election to the County Council.

Wiltshire Improvement Partnership

The Chief Executive was congratulated for organising and chairing the Wiltshire Improvement Partnership (WIP) Member Event on 3 November. It had been well supported by Members and Officers from the Wiltshire District Councils and the County Council with very distinguished guest speakers.

Peer Review

A three day IDeA peer review would take place between 12 – 14 December. Initial findings would be reported back to the Council on the last day of the review and a full report would be received in late January – early February.

The Big Thank You

Over 120 people attended the reception on 27 October, including Lord and Lady Bath. The evening was a huge success and discussions were underway on how to continue the celebration of the work of these selfless individuals in later years, which both the Council and Longleat have expressed an interest in being a part of.

Meeting Reminders

- Seminar on Migrant Workers - Wednesday 6 December
- Special Council meeting - Wednesday 20 December to deal with the Waste Collection Contract and would include a presentation by Job Centre Plus, as requested by the Scrutiny Committee.

Any questions regarding the Seminar on Migrant Workers should be forwarded to Member Support by 20 November.

- Training session on Housing Renewal - 15 November

Cliff Skinner

Cliff Skinner had sadly passed away on 9 October. Cliff was the Supt of the Trowbridge Open Air Pool for about 15 years. He was then Manager of the Civic Hall in Trowbridge until his early retirement in the mid 1990's – he had worked for the Council for about 30 years. Cllr Payne had attended his funeral which was held on 16 October.

99. Minutes

The minutes of the ordinary Council meeting held on 13 September and the Extraordinary meeting of Council held on 4 October 2006 were approved as correct records and signed by the Chairman.

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100. Membership of Cabinet

The Leader informed Council that she had appointed Cllr Newbury as Deputy Leader of the Council. Cllr Newbury would hold the Communication Portfolio Holder which also included IT. The Leader thanked Cllr Cox for his hard work and contribution as Deputy Leader. Cllr Cox would retain the Leisure and Arts Portfolio.

101. Questions from Members of the Public

One question had been received from Jacqui Clark to Cllr Content, Leader of the Council. However, Jacqui Clark was not present to address her question which was therefore treated as withdrawn.

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102 Urgent Business

In accordance with S.100B 4 of the Local Government Act 1972 and paragraph 4 (e) of the Council Procedure Rules of the Constitution, the Chairman approved consideration of the following item of business. The reason for urgency was to consider the decision of the County Council dated 7 November on the subject and with a view to responding to the consultation by the deadline of 25 January 2007 which was prior to the next scheduled meeting of this Council.

(a) Local Government White Paper “Strong and Prosperous Communities”

The Chairman advised that he had been requested by the Leader of the Conservative group and other Members to call an extraordinary meeting of Council to consider the Local Government White Paper in more detail and thus give a more considered response. The Chairman indicated that he was prepared to call such a meeting that would be held on a date to be advised.

The report considered by the Wiltshire County Council at its meeting on 7 November had been previously circulated to Members for their information.

The resolution of the County Council was noted as follows:

- “(1) To note the contents of the White Paper and to request the Chief Executive to prepare reports for the Cabinet, Scrutiny Committees, Council and other committees as appropriate concerning those proposals of particular significance to the Council.*
- (2) To note in particular the deadline for the invitation to Councils in ‘two-tier’ Counties to submit joint bids for ‘pathfinder’ status and/or to submit proposals for unitary local government, and requests the Chief Executive to prepare a further report on these opportunities, working with District Councils and other partners, including County Councillors.*
- (3) To agree to hold an extraordinary meeting on 23 January 2007 in order to consider that report and to decide whether to submit proposals by the deadline of 25 January 2007.”*

At the request of the Chairman, the Chief Executive gave a presentation on the implications of the Local Government White Paper which had been published on 26 October. On conclusion of the presentation, the Chief Executive sought guidance from the Council on the way forward.

A discussion ensued during which the main theme was that the County Council had made its decision too hastily and that further information on the costs and benefits or otherwise should be examined prior to coming to a decision on any response to the consultation.

In response to the Chief Executive seeking a proposition for a way forward following his presentation and verbal report, the Leader of the Council proposed a motion, details of which had been tabled for Members’ consideration and this was duly seconded.

During the discussion, this was later amended to replace one of the paragraphs and take on board a suggested amendment from Cllr Phillips.

On being put to the vote, the amended motion was CARRIED and it was

RESOLVED:

- a) That this Council does not support Wiltshire County Council in its actions of rushing into preparatory work for a unitary status or pathfinder bid for submission to Government by the deadline of 25 January 2007 as set out in the invitation to councils in the recent White Paper.**
- b) That this Council considers any such action to be an unwanted distraction and regrets the lack of opportunity for full and proper democratic debate amongst all parties involved.**
- c) That this Council looks forward to the opportunity of a measured and paced full and frank discussion involving all 3 tiers of local**

Government and everyone this will affect, namely the people of West Wiltshire and beyond to secure a way ahead for the future of local Government.

- d) That this Council nevertheless looks forward to continuing co-operation between the four district councils and the County Council in fields identified already such as the Customer First Project.**
- e) That there should be urgent consultation with the other Wiltshire District councils to reach a consensus and that this Council takes the lead in achieving this.**

Whilst no recorded vote had been called for, the voting on the above decision was as follows:

17 in favour 0 Against 19 Abstentions

In accordance with S.100B 4 of the Local Government Act 1972 and paragraph 4 (e) of the Council Procedure Rules of the Constitution, the Chairman approved consideration of the following item of business. The reason for urgency was to respond to a request received on 7 November from the Electoral Commission and the response was sought by 10 November.

(b) Naming of the Proposed Hilperton and Holt Ward

The Chairman explained that the Council had received an email from the Electoral Commission only yesterday (7 November) asking for views on a representation it had received to change the name of a ward from 'Hilperton and Holt' to 'Avonside'. The Electoral Commission would make the final decision and members were merely being asked for their views. The issue had been brought to the attention of Local Ward Members.

RESOLVED:

That the Electoral Commission be informed that this Council supports the renaming to 'Avonside'.

103. Corporate Plan

Open Forum: Ms Helen Tedman (Anti-social behaviour – Spitfire Retail Park, Trowbridge and surrounding area)

The Leader presented an update of the Corporate Plan and explained that a full review would be undertaken following the May 2007 elections.

The updated Corporate Plan would be fed into the 2007-08 service and resource planning process. The finished document was being externally designed and printed and would be published in early December 2006. All members would receive a copy and it would be distributed to key partners. A copy would also be placed on the Council's website.

In response to the open forum presentation, the Chief Executive explained that the matter was being investigated already. The Leader assured Ms Tedman that the Portfolio Holder would also be looking into the matter.

RESOLVED:

That Council adopt the 2006-2010 Corporate Plan

At 9.00pm, after the determination of the Corporate Plan, the Committee took a short recess and resumed the meeting at 9.10pm.

104. Gambling Act 2005 – Adoption of Statement of Principles

The Environment Portfolio Holder, Cllr Rosemary Brown, explained that the Gambling Act 2005 was due to come into force in September 2007 repealing existing gambling legislation. This Council would then be responsible for licensing gambling premises and gaming machines.

As part of the new legislation, the Council was required to adopt a Statement of Principles by 3 January 2007. The Environment Portfolio Holder presented a report, accompanied by the Statement of Principles which had been considered and recommended by the Licensing Committee.

RESOLVED:

That Council adopts the Gambling Act 2005 Statement of Principles.

105. Review of Allocation of Seats on Committees

A report was presented on the review of allocation of seats on committees following the results of the Warminster West by-election on 2 November (minute no. 98 refers). All group leaders and ungrouped members had been consulted on its contents.

RESOLVED:

That Council: -

- (a) notes the report and the legal requirements**
- (b) retains and approves the aggregate number of Committee places available to members of the Council as 69;**

adopts the allocation of seats shown in Table 3 of the report;

appoints a member of the Conservative Group to the Planning Committee and the Appeals Panel in accordance with the nominations of the Conservative Group Leader. It was accepted that the Conservative Group leader would provide details of his

nominations following the meeting.

- (c) sets aside the remaining places for the members not in a political group as follows:

**Cllr Newbury be appointed to the Planning Committee
Cllr Hawker be appointed to the Scrutiny Committee and Appeals Panel.**

106. Reports from Cabinet and Cabinet Members

West Wilts Economic Partnership Conference

Cllr Osborn drew members' attention to the above conference entitled 'It's the Economy Stupid' which would be held on 4 December at the Wiltshire Music Centre from 12.30pm. Members were welcome to attend.

107. Treasury Management – Prudential Indicators

Cllr Carbin, Finance Portfolio Holder, presented a report which reviewed and updated the 2006/07 prudential indicators which were agreed by Council as part of the Annual Treasury Management Statement in February 2006.

RESOLVED:

That Council adopts the revised prudential indicators as set out in Appendix A of the report presented.

108. Reports of Committees

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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
Audit	28 September	16 – 29

The Chairman of the Audit Committee reminded Council that all Members were welcome to attend the Audit training sessions held prior to meetings of the Audit Committee.

Cabinet	27 September	177 – 197
	25 October	198 - 211
Licensing	21 September	20 – 24
	26 October	25 – 29
LJCC	11 September	21 – 27

	16 October	28 – 34
Melksham Area Seminar	20 September	21 – 31
Planning	14 September	103 – 110
	5 October	111 – 117

The Chairman of the Planning Committee was asked to investigate ways of reducing the length of Planning Committee meetings. The Chairman of the Planning Committee undertook to look into the matter.

The Chairman of the Planning Committee drew attention to a training session on planning enforcement which would be held on 16 November at 6.30pm prior to the Planning Committee to which all Members of the Council were invited.

Scrutiny	6 September	65 - 73
	11 October	74 - 82
Standards Committee	19 October	49 - 55
Warminster Area Seminar	7 September	14 - 15

A request was also made to examine the quorum requirements of Area Seminars as some Area Seminar meetings had not been quorate recently. This was said to be particularly relevant given that a number of Members were 'dual hatted' being members of this Council and the County Council or a town/parish council.

RESOLVED:

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

109. Notice of Motion

Post Offices – Cllrs Chivers and Barker

Council was asked to consider the following notice of motion submitted by Cllrs Chivers and Barker.

"This Council calls upon the government to support local Post Offices by,

1. Reverse the decision to take away TV Licences and other services
2. Maintain the £150m social Network payment
3. Keep Post Office Card Accounts or provide an alternative

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This Council writes urgently to ministers urging them to note local concerns and the concerns of this Council.”

On being put to the vote, it was

RESOLVED:

That the above motion be referred to the Scrutiny Committee for consideration and report back to Council.

110. Questions from Members of the Council

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Questions were received from the following Members:

From Cllr Clark to Cllr Carbin, Finance and Policy Portfolio Holder

From Cllr Clark to Cllr Content, Leader of the Council

From Cllr Clark to Cllr Osborn, Planning and Development Portfolio Holder

From Cllr Chivers to Cllr James, Housing Portfolio Holder

From Cllr Phillips OBE to Cllr Content, Leader of the Council

From Cllr Phillips OBE to Cllr Content, Leader of the Council and Cllr Batchelor, Chairman of the Council

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

NOTE: VOTE TO CONTINUE

Three hours having elapsed, the Council took a vote in accordance with the Constitution on whether or not to continue with the meeting.

RESOLVED:

To continue with the meeting.

111. Representatives on Outside Bodies – Reporting Back

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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 Osborn– West Wiltshire Housing Society (WWHS)

An investigation was underway into the conduct of a WWHS board member and would be conducted in accordance with the due legal process.

Cllr Newbury – Village Hall Grants Panel

Had attended a meeting of the Village Hall Grants Panel. The Panel had received a rush of applications and it was likely to spend its budget this year.

112. Cabinet Forward Work Plan

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The Leader presented the Cabinet Forward Work Plan.

RESOLVED:

That the Cabinet Forward Workplan be received and noted.

113. Urgent Departure Decisions – Reporting Back

There were no urgent decisions to report back.

Date of Next Meeting

The next scheduled meeting of Council would be held on **21 February 2007** in the **Council Chamber** at the Council Offices, Bradley Road, Trowbridge at **7pm**.

Additional forthcoming meetings of Council:

Seminar on Migrant Workers - 6 December
Extraordinary Meeting of Council - 20 December

These minutes were prepared by Melanie Stimpson, Member Support Officer, who can be contacted on direct telephone line 01225 770322 or email mstimpson@westwiltshire.gov.uk

(7.00pm – 10.05pm)

Questions from Councillor Tony Phillips OBE to the Leader of the Council – Councillor Sarah Content

Question

The present Constitution is not giving member a proper chance to ask questions as the time scales to submit these is destroying this due to the time scales are too long before meeting. Will the Cabinet discuss the matter and shorten the time scales and return to the original system?

Answer

The deadline for submitting questions was changed during the review of the Constitution from 3 working days to 10 clear days after full member consultation and Council approval last year. This longer notice period enhances public accountability as the questions received can then be included in the agenda for Members and the public to see in advance. It is not within the remit of Cabinet to make changes to the Constitution and whilst Cabinet can discuss the matter, it would seem that the matter would be better dealt with by the correct Committee in the first place. This being the Standards Committee. One of the main functions of the Standards Committee is, and I quote, "monitoring the operation of this Constitution and recommending to the Council any changes to this Constitution." As there is a current post implementation review of the Constitution occurring at this time, this would be an ideal time for members to raise their concerns regarding this matter with them. The Standards Committee can then report its findings back to Council as any change would require Council approval.

Question

The LSP Board was formed to have an independent Chair to show this body was not dominated by the DC. When and why was this policy changed?

Answer

At the Local Strategic Partnership meeting on 10 July, a new Chairman was sought and the Board considered the issue at the request of the outgoing Chairman, George Bright.

The LSP Partnership Agreement says that the Chairman shall be elected by the LSP Board.

The Board had a number of thoughts on the matter, including that the candidate for this position should be someone who had a good grasp of Local Government; that perhaps the Chairman should be independent and therefore have no ties to the Council or that a new Chairman should be voted in for at least 12 months and to then consider an independent candidate.

Having been proposed and seconded, I was appointed and this was a unanimous decision. This decision was also made on the basis that the appointment would be for the next 12 months and to then review the situation.

Whilst I thank Cllr Phillips for his question, I can assure him that this matter has already been carefully examined by the LSP Board itself.

Question

What action has been taken by the Cabinet over the Boundary changes as opposed to the full Council?

Answer

As this matter affected the whole of the West Wiltshire District area and all the District wards, the matter was quite rightly brought to the attention of Council. You yourself Cllr Phillips submitted a notice of motion on the subject which was considered by Council and at the request of Members an extraordinary meeting of Council was held to discuss the issue and as a result of that meeting all group leaders, including yourself, were consulted before sending the final response to the Boundary Commission.

**Question from Councillor Tony Phillips OBE to the Leader of the Council-
Councillors Sarah Content and the Chair of the Council -
Paul Batchelor**

Question

Under the previous admin the Leader always ran an open house with members. Why have the Chairman and Leader's offices now locked? Do people not now trust Members?

Answer

I cannot understand why you would want or need access to our offices when we are not there.

This is a personal choice for each Chairman and Leader and is not a question of not trusting Members or officers come to that. There are more ways of having an open door policy and I would like to think that we are both available for any Member or officer.

**Question from Councillor Ernie Clark to Planning and
Development Portfolio Holder - Councillor Jeff Osborn.**

Question

What steps are you taking to ensure that the forthcoming privatisation of defence training by the Ministry of Defence, will have negligible impact on the viability of Warminster or any other area of west Wiltshire?

Answer

The MOD is not privatising training. The MOD is privatising the support services to various training organisations. The support services to Defence Training Estates have been privatised for around 3 years; with Landmarc winning the prime contract to provide services such as food and accommodation in training camps such as Knook Camp and the estate management of Defence Training Areas such as Salisbury Plain. There are also Regional prime contracts on other facilities. Aspire Defence won the prime contract for providing the in-barracks support services for all barracks around Salisbury Plain including Warminster, Tidworth and Bulford. The 30 year contract, under Project Allenby was implemented in July of this year and covers a wide range of services that include estate management and development, driving services in support of the military, catering in the messes and cleaning. Aspire Defence will also be responsible for the major refurbishment and reconstruction works that will be undertaken at Warminster Garrison commencing in 2008 and extending out over a period of six years.

The Commander of Warminster Garrison Col. Mark Faulkner and his deputy Lt. Col. Bill Common are both members of the Warminster & Villages Community Partnership through which they are actively seeking to enhance civil military relations in a spirit of openness and co-operation. Their involvement with the Partnership ensures that regular updates are presented and Partners have the opportunity to ask questions, discuss initiatives and voice concerns. In addition the Partnership is in close contact with Andy Fontana the Warminster Garrison Facilities Director for Aspire Defence. The West Wilts Economic Partnership Manager has access to both the Garrison Commander and the Aspire Defence Facilities Director, and will raise any further issues with them that Members wish to pursue.

The District Council is working with the Regional Development Agency, Defence Estates and the Town Council to plan for significant new investment for the town at the ABRO site, Warminster.

As part of the development of the Council's Core Planning Strategy, the Council will be consulting the MoD shortly to identify any issues that may affect the future planning for the West Wiltshire towns.

**Question from Councillor Ernie Clark to
Finance and Policy Portfolio Holder – Councillor Trevor Carbin**

Question

Could you please advise the total cost to this authority for its membership of the Local Government Association. (Please break this down into subscription fees, costs incurred by members attending the AGM etc.)

Answer

A review of financial records shows that in 2005/06 we have made payments to the Association of:

	£
Subscription	14,637
Annual conference	485
Other courses	<u>853</u>
Total	15,975

By being members of the LGA we secured a reduction of £485 on the above conference and course fees.

In addition hotel, travelling and subsistence expenses would have been incurred.

**Question from Councillor Ernie Clark to
Leader – Councillor Sarah Content**

Question

Could you please advise what benefits accrue to this authority for its being a member of the Local Government Association.

Answer

I thought you would appreciate an answer direct from the Local Government Association which spells out not only the general benefits but also the benefits to this Authority in particular, this is attached for your information as well as other Members. Copies of the toolkit mentioned in the letter are available on request.

**Question from Councillor Terry Chivers to
Housing Portfolio Holder – Councillor Tom James**

Question

Recently in the local press a West Wiltshire District Council spokesperson stated that it was broadly in policy to build on community open space and play areas.

Can you tell me where in the local plan this is stated and provide me with a copy of the policy.

Answer

The statement made to the Wiltshire Times said that "all 17 sites are broadly acceptable in planning policy terms" - open space and play areas were not mentioned. All 17 sites are broadly acceptable in planning policy terms, in that they are not in areas where any kind of development is precluded.

The relevant Policy R2 of the District Plan protects playing fields, play space and other recreation land from development except when the following apply: (i) the sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site; (ii) alternative provision of equivalent community benefit is made in the immediate locality; or (iii) it can be demonstrated that there is an excess of sports pitch provision and public open space in the area, taking account of the recreational and amenity value of such provision.

Question

In the Melksham News a Council spokesman stated that children from the Queensway and Dorset Crescent area of Melksham would have to walk to King Georges Playing field if there play area is built on.

Do you know how far this is and do you consider it safe for them to do so.

Answer

The reference in the Melksham News to children having to use the King George V playing fields again was not made by a Council spokesman. The comment came from a local resident, who claimed that she had been told this by a Council officer.

There appears to be some confusion about the Council's plans for the existing play area at Dorset Crescent. If this land were to be developed in order to provide much needed affordable housing, then we would look for the PFI contractor to provide a commuted sum to develop and enhance the immediately adjacent play facilities at Primrose Drive, in accordance with Policy R2 of the District Plan as previously mentioned. This would be secured by way of a Section 106 agreement at the appropriate planning stage. Please see attached map that shows the location of all the

facilities mentioned. There is therefore no need for children to walk to King George's playing field.

Question

Would you be happy for your child or Grandchild to walk from Queensway to King George Playing field alone because the Council have built on the play area near your home

Answer

In view of the previous answer there would be no need for a child to walk to King George playing field unless they wanted to.

Question

Like me you stood for election to this Council back in the nineties to improve and fence in all play areas, which the Liberal Democrats have done. How much was spent doing this.

Answer

We estimate that approximately £120k was spent on fencing play areas across the District.